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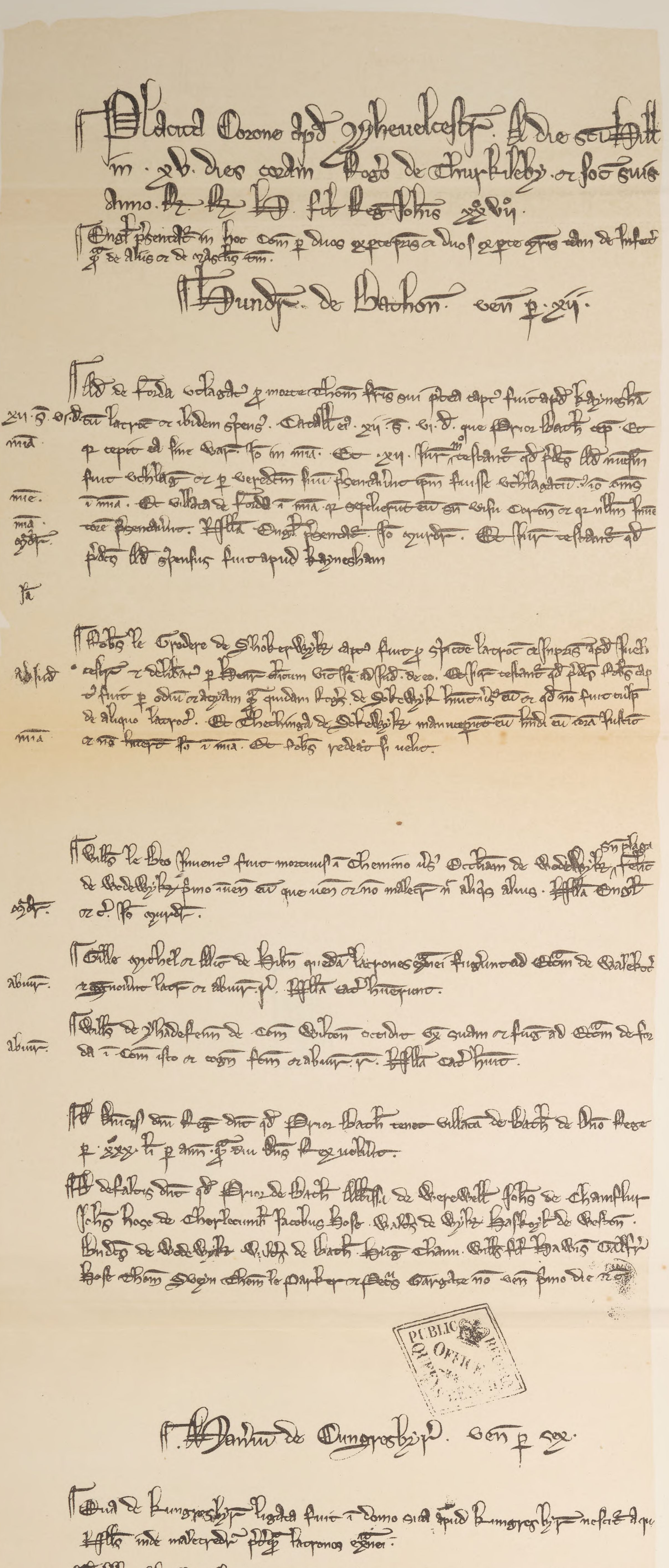
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Somerset Record Society.

Vol. XI.

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THE SOMERSETSHIRE EYRE OF 1242-3.

Fac-simile of memb. 13 of Assize &c. Rolls. No. 756.

(Society)

Somersetshire Pleas

(CIVIL AND CRIMINAL),

FROM THE

ROLLS OF THE ITINERANT JUSTICES

(CLOSE OF 12TH CENTURY—41 HENRY III.)

EDITED BY

CHARLES E. H. CHADWYCK HEALEY.

One of Her Majesty's Counsel.

PRINTED FOR SUBSCRIBERS ONLY

1897.

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Somerset Record Society.

REPORT.

THE Council is glad to be able to report that the number of subscribers has not diminished during the past year. Ten have ceased to belong to the Society, and fifteen new names have been inserted on our list. It must, however, be noticed that the number of regular subscribers does not increase. Names are put down for a particular year, and disappear in the succeeding one, and consequently the funds are not only very uncertain, but the plans of the Council are much hampered by its inability to know the extent of the fund on which it has to rely. The cost of transcription in the past has already consumed all the resources of the Society, and for the future both transcription and printing must be paid for out of the year's income. Unless, therefore, there is a considerable increase in the number of subscribers it is evident that the size of the volumes will have to be reduced or the regularity of their appearance interrupted. For next year a second volume of Feet of Fines, under the

editorship of Mr. Green, will be printed, and probably in 1899 a second volume of Præ-Reformation Churchwarden Accounts. The claim of the Society on the assistance of all lovers of Somerset and its history rests on the eleven volumes which it has now issued, and it pleads for a recognition of this claim and for further funds to enable it to carry on the work with success in the future. The Secretary again desires to say that he will gladly give any further information that may be desired.

T. S. HOLMES.

WOOKEY VICARAGE.

SOMERSET RECORD SOCIETY.

Account for the Year 1895–96.

1895.	*Payments.*	£	*s.*	*d.*
Feb. 23.	Holmes, Petty Cash	1	0	0
June 26.	Boyd	25	0	0
Oct. 8.	Harris	1	1	0
Dec. 25.	Barnard	7	0	0
1896.				
Jan. 25.	Boyd	57	2	0
Mar. 14.	Heintz	25	0	0
,, 21.	,, ...	25	11	0
,, 21.	Holmes, Petty Cash	1	0	0
June 6.	Barnard	10	0	0
Dec. 31.	Harrison	275	6	9
	Balance	37	12	6
		£465	13	3

Receipts.	£	*s.*	*d.*
Balance	63	15	6
Subscriptions, 1895–1896	390	5	3
Interest on Deposit Notes	11	12	6
	£465	13	3

16*th July*, 1897.

Examined and found correct,
ROBT. ISGAR, *Hon. Treasurer.*

The Somerset Record Society.

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1896. **Registrum Radulphi de Salopia.** 2 vols. Edited by REV. T. S. HOLMES, M.A.

Most of the above volumes can be obtained from the Secretary.

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Preface.

When the council of the Somerset Record Society decided to proceed with the work of which this volume is an instalment, and did me the honour to invite me to make the beginning, I ventured to express the hope that it might be possible to print the records in the contracted Latin of the originals side by side with an English translation. Unfortunately this was found to be impracticable. It only remained, therefore, to render the Latin into English in a form which, while sacrificing style, should suffice to satisfy those readers who are familiar with the formal manner of expression of the thirteenth century clerks, of the sufficient fidelity of the translation. It was considered expedient not to confine the scope of the book to the pleas actually heard within the county, but to collect from the rolls of other parts of England the entries relating to Somerset. In this way we are able to trace proceedings through their various stages, and to gain a much better impression of the general course of litigation. I believe that these rolls, the importance of which to students of early English institutions can scarcely be exaggerated, have not hitherto been dealt with systematically in this way.

The size of the volume has made it impossible to bring the work down to the close of the reign of Henry III., a date which may be said to mark a period in legal history. An effort has been made to include the two great rolls of lesser assizes taken before Bracton himself, and the county pleas from them are now before the reader.

I desire to express my hearty thanks to Sir Henry Maxwell Lyte, K.C.B., Deputy Keeper of Public Records, for the valuable assistance which his local knowledge has enabled him to give in the identification of places, often by no means an easy task. Mr. S. R. Scargill-Bird, an Assistant Keeper of the Records, whose enjoyment of an almost undecipherable passage seems to be only equalled by his skill in reading it, has again and again helped the progress of the work to an extent for which I cannot sufficiently thank him. To Mr. Salisbury, Mr. Overend, and other officers of the department I am much indebted for unfailing kindness and consideration. I am also indebted to Professor Maitland for his help kindly given upon some obscure points. The transcript of the records was made, with careful observance of all contractions and marginal notes, by Mr. Arthur F. Heintz. The accuracy with which his work was done (and I have had innumerable opportunities of checking it) has been of great assistance. The index of names and places has been prepared by Mr. J. Vacy Lyle of the Public Record Office.

C. E. H. C.-H.

Introduction.

THE contents of this volume possess more than the local interest which their title suggests. The county historian and the genealogist will find matter of value which has hitherto been unpublished. But the chief interest of these rolls is the light which they throw upon the development of our legal system, and in the glimpses which they afford of social life in the first half of the 13th century. To borrow the words of a French writer,[1] who has made early English subjects his special study, these matters are of special interest to us in England, because in no other country in Europe are the institutions, the manners and beliefs of the present day, so directly the product of social conditions five centuries old. In this book we see legal procedure still in an experimental stage. The work begun by our great administrator Henry II in his far-seeing efforts to diminish the power of his barons and to attach the commonalty to the crown. in particular the introduction of the jury of presentment in criminal matters and of the recognitors of the grand and the lesser assizes, is undergoing development. We notice in the earlier days of our period an elasticity in the use of the jury which gradually disappears. In the early years of Henry III the justices seem to have been trying experiments. Sometimes a man is convicted by the voice of jurors selected from one hundred, sometimes from several hundreds of the county. With them may be associated the representatives of varying numbers of townships. There seems to be no rule. Not many years pass, and we find the practice to all appearance settled. The jurors of the hundred and of the four townships decide the prisoner's fate. We see the ordeal in use and we note its disappearance. As time runs on the judicial duel becomes unpopular and

[1] M. Jusserand. "Ces problèmes offrent en Angleterre un intérêt spécial, parce qu'en aucun pays d'Europe les institutions, les mœurs les croyances de l'heure présente ne sont le produit aussi direct de l'état social d'il y a cinq cent ans. C'est pourquoi ces études ne sont peut-être pas dépourvues de cette utilité pratique si recherchée en notre temps : pour les peuples, comme pour les individus, ce n'est souvent qu'en sachant d'ou ils viennent qu'on peut prévoir où ils vont." "*La vie Nomade et les routes d'Angleterre au moyen age.*" Pref.

greater recourse is had to the jury. Jury in the modern meaning of the term we do not find, but its germ is to be seen clearly enough. It is interesting to notice the gradual expansion of procedure, the invention of new forms to meet new circumstances as they arise, to see the technical mind wrestling with the necessity and expediency of the hour, to note the gradual substitution of the crown or public prosecution for the private appeal in criminal matters and in comparing the proceedings on a 13th century eyre with those on one of our own day, to grasp how much of the system of which we English are justly proud, has its roots far back in the time of our Angevin kings. The "pleas of the crown," the crown cases, show us how almost every one was made to feel that he was part of the great judicial machine, that he was, in a greater or less degree, personally responsible for the preservation of order. This responsibility of the individual, and his share in the administration of justice from the earliest times, cannot but have contributed materially to the development of the public spirit which we are accustomed to regard as characteristic of the English people.

We cannot fail too, to be struck by the amount of travelling which people did in the 13th century. The ways, if we except the great trunk roads of Roman origin, were so bad as to be almost impassable, except in summer. The main roads were probably kept in fair repair, for the traffic upon them must have been considerable. The approaches to the monastic houses were also no doubt well maintained. It was important to their occupants, possessed as they mostly were of estates in widely distant places, that they should have easy and convenient means of visitation.[1] The King himself, with his large following, was constantly on the move through the land. The chief landowners also must have been frequent travellers, passing to and fro from one estate to another. In England it was not as it was on the continent of Europe. The property of an English magnate was, as a rule, distributed in several counties, often widely distant one from the other, instead of lying all together round the family castle. This was the result of the Conqueror's policy to limit the power or influence of his barons. The royal justices also, with their attendant trains of clerks and officers, were frequently to be seen passing from shire to shire, drawing after them as they went a great crowd of recognitors, parties, essoiners and others. We see, from the contents of this volume alone, that in 1247 Roger de Thurkelby was in Oxfordshire, Northamptonshire, Bedfordshire and Buckinghamshire. The following year he was in Gloucestershire and Berkshire, and in 1249 at Exeter. During the same period Henry of Bath visited

[1] Thorold Rogers, "History of Agriculture and Prices," Vol. I, p. 654.

Cambridgeshire, Huntingdonshire, Hertfordshire, Hampshire and Wiltshire. There were humbler travellers also. We hear of the itinerant minstrels, the pilgrims, the friars, the men of business, and traders, to say nothing of the rogues and vagabonds whose number was legion. The roads were far from safe for solitary wayfarers. It has been pointed out[1] that this constant circulation of people throughout the country was not without great social consequences. By such means information was passed from place to place—the spread of ideas was encouraged. The nomadic population served to unite distant parts. The north was brought into contact with the south, the east with the west. The importance of all this travelling must strike us forcibly when we remember how scattered the comparatively small population of the country must have been. Bishop Lightfoot gives the population of England in the 13th century as $2\frac{1}{2}$ millions according to the highest estimate, but at $1\frac{1}{2}$ millions according to a lower and more probable estimate.[2] The southern and eastern portions of the country, which might be marked off by a line joining Norfolk and Dorset, were the more thickly populated. London had about 40,000 inhabitants, and Winchester, the next largest city, about 10,000.

Now a few words as to the "sorts and conditions of men," subjects of the King, in the 13th century, and how they stood in relation to the King's courts. It is not necessary here to speak of aliens; the rules affecting them were only in course of formation during the period covered by this book. A first and broad classification obviously suggests itself. They were either free or unfree. But this division is not sufficient for our purpose. True it was, that in the sight of the law all free men from the baron downwards were equal, but all free men were not equally rightful. We shall see that some of the free had no proprietary rights, and that the measure of protection meted out to them was not always the same. Nor would it be true to say that all unfree men had no proprietary rights, or that all unfree men were equally unprotected by the courts. A person "professed in religion" had no proprietary rights. A villein, if he could obtain land from another than his lord, could hold it against every one, so long as his lord did not seize it for himself, as he was entitled to do. Indeed, we may say that a villein *might* be civilly rightless against the whole world, but he *might* also be rightful as between himself and anyone other than his lord. If the latter chose to exercise the rights to which the personal relations of his villein to himself entitled him, the villein would be with-

[1] Jusserand, p. 158 and p. 246.

[2] "Lectures on the 13th Century," p. 99, ed. 1896. See also Thorold Rogers, "History of Agriculture and Prices," Vol. I. p. 57.

out civil rights against a third party. On the other hand, if his lord permitted him to hold property, the villein had all remedies in respect of it against third parties. There is not included in this proposition the land which he held in villeinage. A free man holding in villeinage was no better off in respect of such land. He too was rightless. That was in consequence of the doctrine that the possession of a tenant in villeinage was the possession of him who had the freehold.[1] Again, it has even been said that a villein could implead his lord upon a covenant by the latter.[2] If a villein ran away, left his "nest" as the term was, his lord had a right to recover him. The fugitive might be captured if it could be done within four days, or if he returned to his nest. But otherwise the lord might not help himself. He had to seek the assistance of a court, and then the fugitive might have a chance of proving, if he could, that he was a free man. No. 729 in this book is an example of this process. There the lord sought his villein through the county court. The latter obtained the royal writ *de libertate sua probanda*, which brought the matter before the justices.

Again, there were the "privileged villeins," or villein socmen, tenants of ancient demesne, that is of land in manors which at the time of the Conquest had belonged to the Crown. These tenants formed a class intermediate between the free tenants and those holding in pure villeinage. Their holding was base, but their service was certain. For them there were special remedies. They had the "little writ of right close," so called because it was directed to the bailiffs of the manor, instead of to the sheriff or royal justices, upon questions between the tenants themselves, or between a tenant and his lord as to the land itself, and the "*monstraverunt*," so styled because the writ recited the plaint of the tenant or tenants, "*monstravit* or *monstraverunt* so and so," as to the services exacted for the land. Yet again, in ancient demesne there was another but limited class, the "conventioners," recent comers upon the manor who had taken tenements under agreements. They performed services similar to those of the socmen, but they did not belong to the privileged class. Bracton thought that their rights were not "real," but merely contractual. Others thought that they might have the benefit of the possessory assizes, and if so they would be regarded as freeholders. But this is not the place to attempt the difficult task of distinguishing precisely the different classes of tenants of ancient demesne.

It has been said that those who "entered religion" became civilly dead. This really meant that the monk became incapable

[1] Vinogradoff, p. 69.
[2] Vinogradoff, p. 70. Digby, "Real Property," 1st Ed., p. 112; 3rd Ed., p. 128.

of holding or acquiring property. When a man became "professed in religion," his heirs at once inherited; if he had made a will it at once took effect. If his kinsman from whom in the ordinary course he would have inherited, died, he would be passed over in the succession, as if no longer in the land of the living.[1] The main principle was that the "religious" could not have any property. He might do or suffer wrong. If a monk committed felony he was treated as an ordained clerk; for smaller offences he could be tried by the temporal courts and imprisoned. As to torts or civil wrongs a monk could not sue or be sued without his "sovereign." The abbot seems to have been entitled to receive any compensation that became due for damage done to the monk, and to be liable for the damage that the monk did. A monk could make no contract, but he could act as the agent for his "sovereign," the head of his house, and we know that they were constantly engaged in buying and selling and otherwise on behalf of their houses.

The ordained clerk was subject to ecclesiastical law and procedure, with which we have nothing to do here, and also to the temporal law and procedure, with certain exceptions. He had full proprietary rights and remedies. The temporal law protected his possession and property, and enforced his contracts as if he were a layman. His person was equally protected. On the other hand, all the ordinary civil actions could be brought against him, and for any crime that fell short of felony he could be tried and punished in the ordinary way. For felony the ordained clerk could be tried only in the ecclesiastical court, and could be punished only by such punishment as that court could inflict, which did not include the death penalty. This was the "benefit of clergy," which in later years became the privilege of anyone who could read a verse of the Bible. If a clerk were arrested for murder, he would be delivered to the bishop if demanded, and the latter would be bound over to produce him before the justices on their next coming to the county. In the meanwhile he was kept in the bishop's prison. When the justices came, and an accused clerk was before them on a charge of felony, he might say that he was not bound to answer there, and if the official of the bishop demanded him, he would be handed over without more ado. Towards the end of the reign of Henry III, notwithstanding that the accused was handed over, an inquest by the county was held before the justices as to his guilt. The man was not *tried*, for he had not pleaded or submitted to the jurisdiction. If the verdict was favourable, the accused was acquitted so far as the temporal

[1] See "Hist. of English Law," Vol. I, 416–421 and page 419, where this riddle is propounded :—"When can a man sue his own executors? When owing money to a monastery he becomes, professed in it, and afterwards abbot of it."

court could acquit him. If it was unfavourable, he was delivered to the bishop. "In the one case, his lands and goods, if they have been seized by the royal officer, are at once restored to him, unless he has been guilty of flight, and has thus forfeited his chattels; in the other case they will be retained until he has been tried, and their fate will depend upon the result of the trial. For tried he has not yet been. He will be tried in the bishop's court."[1] There is an early case in this volume (No. 224), which seems exceptional, in that the clerk appears to have been actually tried. But it may be that his plea of ordination was doubtful, and it is to be noted that the official did not claim him. The privilege was not confined to clerks in orders. The monks were also entitled to it. Although the secular court did not try a clerk in a case of felony, it insisted that he should be accused before it, and if he did not appear he was outlawed as a layman might be. Again, the lay court could compel appearance by a clerk by distraining his ordinary.

The Jew, although a free man to all the world but one man, the King, was practically the latter's serf. All he had was the King's, if the latter chose to demand it. The Jews do not figure in the pleas before us; indeed, their affairs but rarely came before the King's courts. There was a special tribunal, the Exchequer of the Jews, which heard and determined disputes between Jew and Christian. The court seems to have aimed at and acquired a competence, and an exclusive competence, in all causes, whether civil or criminal, in which a Jew was implicated, unless it was some merely civil cause between two Hebrews, which could be left to a purely Jewish tribunal;[2] and as between Jews the King was content that Jewish law should be administered by Jewish judges.

The leper too deserves a few words. He could not sue, nor could he make a gift or enter into a contract. As a person professed in religion was passed over and could not inherit, so with the leper. But what property was his before his segregation remained to him. Of the position of lunatics and idiots we know little before the time of Edward I, and we are not concerned with them in this book.

Nothing has been said so far of the effects of infancy. It will be sufficient to say here that an infant could sue and be sued. He sued in his proper person, for he could not appoint an attorney, and his guardian, if he had one, could not represent him for the purpose. He was sued in his own name, and the writ was silent as to any guardian *ad litem*. There are many cases on the rolls before us. So much for the men.

Women who were spinsters or widows were as regards private rights

[1] "Hist. of English Law," Vol. I p. 425.
[2] "Hist. of English Law," Vol. I, p. 453.

in the same position as men, though postponed under the rules of inheritance, but they had no public rights or duties, save those of paying taxes and performing such services as they might perform by deputy. In the time covered by the pleas before us she could not bring an appeal of felony except in the case of violence to her person, or for the murder of her husband, but we see in the recorded cases the procedure by appeal giving way to the procedure by indictment, and this limitation upon a woman's right to make criminal charges is becoming of little importance. A woman who had a husband was in a different position. "The main idea which governs the law of husband and wife is not that of unity of person, but that of the guardianship, the *mund*, the profitable guardianship which the husband has over the wife and over her property."[1] The wife was well protected by the courts. No suit concerning her land was well founded unless she was a party. She could appoint an attorney for herself in court, often her husband, but she might appoint some one else. A husband has been known to appoint his wife to be his attorney. There were means by which a wife could obtain the interference of the court to prevent her husband from excluding her from the enjoyment of her own land.

It only remains now in dealing with this subject to refer briefly to the class of the King's subjects who, by reason of their own defaults, were deprived of some of the rights which but for those defaults they would have enjoyed. Chief amongst them were the outlaws and convicted felons, and I cannot do better than reproduce here a passage from a monumental work to which I am under considerable obligation. I refer to "The History of the English Law."[2] The learned authors are writing of the time of Bracton.[3] "The outlaw's life is very insecure, one may not in Bracton's day kill him unless he is resisting capture or fleeing from it; but it is everyone's duty to capture him, and out in Gloucestershire and Herefordshire on the Welsh march custom allows that he may be slain at any time. If, knowing his condition, one harbours him, one commits a capital crime. He is a 'lawless man' and a 'friendless man.' Of every proprietary, possessory, contractual right he is deprived; the King is entitled to lay waste his land, and it then escheats to his lord; he forfeits his chattels to the King; every contract, every bond of homage or fealty in which he is engaged, is dissolved. If the King inlaws him, he comes back into the world like a

[1] "Hist. of English Law," Vol. I, p. 468.
[2] By Sir Frederick Pollock and Prof. Maitland.
[3] Vol. I, pp. 460–1. Prof. Maitland considers that Bracton's book is founded on authorities taken from the rolls beginning in 1216 and ending in 1240, with some few later cases down to 1256. He thinks that Bracton was seriously engaged on his work in 1250; but that he never revised it as a whole after 1256. See Introduction to "Bracton's Note Book," pp. 37–44.

new-born babe, *quasi modo genitus*, capable indeed of acquiring new rights, but unable to assert any of those that he had before his outlawry. An annihilation of the outlawry would have a different operation, but the inlawed outlaw is not the old person restored to legal life, he is a new person. The law of forfeiture and escheat for felony is taking an extremely severe form. It is held that the conviction or the outlawry relates back to the moment at which the crime was perpetrated, so that acts done by the felon in the interim are avoided. It is held that the felon's blood is corrupt, and that a child born to him after the felony is incapable of inheriting, not merely from him, but from anyone else. Though we speak but briefly of outlawry, we are speaking of no rarity; the number of men outlawed at every eyre is very large; ten men are outlawed for one who is hanged."

The outlaw of the Church, the excommunicated person, was not in such bad way. It is true that the temporal courts came to the help of the ecclesiastical courts, if the contumacious person refused to seek absolution within forty days, and imprisoned him. But he forfeited none of his rights which were sanctioned by lay tribunals; he was only debarred from enforcing them by action. He could acquire rights and dispose of his property, subject to the risk which those who, knowing his condition, had dealings with him, incurred with the ecclesiastical courts. On the other hand, he could be sued as well after as before his excommunication.

Let us now glance at the courts which exercised jurisdiction over these people. They also will need classification. We may leave out of consideration the tribunals of the Church. We hear of them in these rolls occasionally, and almost always to be told that they were proceeding with suits contrary to the King's prohibition. We are also told that they harassed the laity for attending scotales.[1] (No. 297.) The principal lay courts were the seignorial courts, the communal and municipal courts, and the court of the King.

Of the first mentioned, the principal, in the sense of the commonest, was the manorial court. This is not the place to discuss its earliest history. It is perhaps sufficient to say that when a lord had tenants, some means had to be found for the adjustment of differences between them, and of disputes between them, or some of them, and himself, and the court of the manor was the means. Whether the fact that a man had tenants, however few, gave him the right to a court, is not clear. It seems a strong thing to say that it did, yet there are instances which point that way.[2] This jurisdiction, the inherent jurisdiction it

[1] As to scotales see "Rentalia et Custumaria" of Glastonbury (Som. Rec. Soc.), pp. 244 and 259.

[2] See, for example, Headington (2 Rot. Hund., p. 875), cited in "Hist. of English Law," Vol. I, p. 591.

may perhaps be called, to distinguish it from the other jurisdiction possessed by most, but not necessarily by all such courts under franchises which, according to the law of the King's court, were presumed to have their origin in a grant from the Crown, was, so far as the freehold tenants were concerned, purely civil in character. Over unfree persons and tenements it would be more ample. About the title to lands held in villeinage it would be able to say the last word. It could enforce the manorial custom, and inflict minor punishments upon the villeins. The further jurisdiction when it was enjoyed was of various kinds. The commonest franchise was the view of frankpledge, and of the police or leet jurisdiction connected with it. It was co-ordinate with the sheriff's jurisdiction in his tourn. As the sheriff went twice a year through his hundreds to see that the people were in tithing, and to hear small cases, so the lord who had a view of frankpledge held his court twice a year for the like purpose. The advantage that the possession of this franchise gave the lord was the exclusion of the sheriff from interference in matters of frankpledge, and the profit to himself from the jurisdiction in matters within his own manor. Other franchises there were, such as infangenethef, the right to hang his man caught with the theft upon him within the manor, and utfangenethef, the right to hang him wherever caught; the assize of beer and bread, that is, the power of enforcing within his own territory the public ordinances which from time to time fixed the prices at which those articles were to be sold. Still higher franchises were possessed by a few great lords, such as the right to take the amercements of his men, even if inflicted by the royal courts, to have the chattels of his felons and fugitives which would ordinarily belong to the King, and even to hang his man after the King's justices had sentenced him, the "return of writs" within his territory, that is, to do the work which the sheriff would otherwise have had to do in executing the King's precept. Some lords had their own coroners—the King's coroners, we are told, do not enter the hundred of Taunton (No. 1076)—and some had jurisdiction to the exclusion of the King's courts.[1] Others, like the Prior of Dunstable, "compel the King's justices in eyre to come and sit within their precincts, and even to occupy a secondary position when they get there."[2] The Abbot of Athelney excluded the King's bailiffs. He was in the wrong, however, and his franchise was taken into the King's hand (No. 164). Of the fiscal immunities and privileges which some of the lords possessed it is not necessary here to speak. But these higher franchises were not the privilege of the person whom we usually recognise under the style of a "lord of the manor." They

[1] See the case of the Abbot of Glaston referred to in the Introd. to Roll 756, *infra*.

[2] "Hist. of English Law," Vol. I, p. 571. See also Prof. Maitland's Introd. to "Select Pleas in Manorial Courts" (Seld. Soc.), p. xxv.

were for the lord of an honour, or of a barony. For as the lord of the manor had a court for his tenants, so the overlord, perhaps the owner of many manors, had his court, to which his tenants had to do suit. As the free tenant of the manor owed suit to the court of the manor, so the lord of the latter owed suit to his superior in the court of his honour.[1] The suit of court was an important matter in the 13th century. In Somerset, Richard de Oilly has a grant of land from the ancestors of Sabina del Ortay. Years afterwards there is a suit because William, Richard's son, refuses or neglects his suit to Sabina's court. In the end there is a compromise. Sabina releases William's suit in every three weeks, but the latter must attend when the King's writ comes, or there is a thief to be judged (see No. 602). Something more will have to be said about the jurisdiction of the seignoral courts in dealing with the scope of the authority of the justices of the King.

The question may now be asked who were the judges in the manor courts. Many years later it would be said that besides the leet there must be two courts in a manor, a court baron and the customary court. That the former was the court of the freehold tenants of the manor, and they were the judges therein, that the customary court was for the villeins, and there the lord's steward was the judge. Further, it would be said that if the freeholders became reduced in number below two, there could be no court baron for lack of suitors, and no court baron means no manor. There is much doubt and obscurity about this doctrine. It is not necessary to enlarge upon it here. Suffice it to say, that even in the time of Elizabeth it was questioned whether it was true to say that the judge of the customary court was the steward.

In the 13th century, as far as we can see, there was but one court for freeholders and villeins alike. "The original court of the manor was one and the body of its suitors was one. The distinction between courts for free tenants and customary courts grows up very gradually in the 14th century and later."[2] Who found the judgments? Must freeholders form part of the assembly which judged the villeins? or were the villeins entitled to be judged solely by their class? There is nothing to show that a lord's jurisdiction over his villeins depended in any way on the existence of free suitors. Many west country manors had but very few freehold tenants. Could they pronounce judgments by themselves? If a lord had franchise of gallows, it was for the freeholders alone to pronounce the doom. A man could not be hanged but by their judgment. Then it would seem that the number of suitors necessary to decide his fate was not fixed. Probably this was

[1] See Stubbs, "Const. Hist.," 1, Chap. xi, quoting 2 Scriven on copyholds, 737, Vinogradoff, "Villainage in England," pp. 390–1.

[2] Vinogradoff, p. 396.

so, and probably, although there was but one court and one body of suitors, the two classes of suitors, free and unfree, of which that body was composed, now and then fell apart and acted by themselves or by suitors selected from themselves. In course of time the original position of the suitors as assessors of the court was modified by the introduction of the system of presentment by jurors. The procedure of manorial courts was affected by the growth of the jury system: that as the King's courts developed the inquest, so the practice was imitated by the lords, who derived a profit from the fees paid for inquests. The presenting jury was equally a subject of imitation.[1] But if the free-holders declined to swear, the lord could not compel them. It was otherwise with his villeins, over whom he was supreme. Thus perhaps came the division in the manorial court.

The competence of these courts was very varied. They entertained personal actions, at least when the amount at stake was less than 40*s.*, in particular actions of debt, detinue, trespass and covenant. They gave damages for libel and slander, and possibly they enforced agreements not under seal, which the King's court would have disregarded.[2] Where freehold land was concerned, a proprietary action must have been brought in the court of the lord of whom it was held. The "writ of right" was the process. The action once begun was easily removed first into the county court and then into the King's court. In all matters which concerned customary land the lord's court was the only possible tribunal. Then there was the police jurisdiction, the presentment of offences whether the lord had the franchise or not. "It is difficult to prevent a lord from making his feudal court a police court." If the court of a lord failed to do justice, the case could be removed to the county court, and thence to the King's courts. None but the latter could hear a charge of false judgment,[3] and in such cases four free suitors of the manor had to bear the record to the superior court, and hear its judgment.[4] In a case of difficulty, a lord might himself adjourn the suit to the King's court for its advice and assent.[5] Except in the anomalous case of ancient demesne, a lord could not be sued in his own court.

I pass over the municipal courts, the court of the borough, or of a ward, or a leet in the borough.[6] They concern us but little as we read

[1] This is Prof. Maitland's view. See Introd. to "Select Pleas in Manorial Courts." Dr. Vinogradoff agrees, see "Villainage in England," p. 371.

[2] "Hist. English Law," Vol. I, p. 574, 575.

[3] See Provisions of Westminster, No. 16. Stubbs, "Select Charters," p. 404, and the St. of Marlborough, c. 20.

[4] See Bract., Note Book, pl. 824, 834 for examples. [5] Glanv., Bk. 8, c. 11.

[6] Those who are interested in the legal position of the borough, should consult Mr. Pike's Introduction to the "Year Books of Edward III" (first part), Rolls Series, wherein he deals with the case of the borough of Wells.

the rolls included in this book, nor is any attempt made to define a borough. Probably in the 13th century a definition would not have been possible. The vill or township had no court. The court which exercised jurisdiction there was, for the most part, the court of the manor.

The union of a number of townships for the purpose of judicial administration, peace, and defence formed what is known as the hundred.[1] Within the hundred were liberties or franchises in which the jurisdiction was in private hands. The hundred was also an area for fiscal purposes. Geographically it underwent change. In Somerset, for example, some hundreds became amalgamated with others and dropped out of sight. Other hundreds came into existence. The reason is obscure. Probably the changes were influenced by proprietary rights and the struggle for private jurisdiction. The owner of one hundred had land in another, the tenants of which he compelled to do suit at the court of the former.[2] Such a proceeding may or may not have been warranted by royal charter. So the outlying land came to be treated as part of the hundred to which the court belonged. In 1269 the under sheriff of Staffordshire, one Geoffry Gryffyn, was charged with taking a vill out of one hundred to put it into another which he farmed in fee.[3] As an appendix to this Introduction I have given a table which will illustrate to some extent such developments.

The hundred had a court which, in the 13th century, met every three weeks. It seems to have been supplied with suitors in the same way as the county court was. It was a court for civil, that is, non-criminal causes; but, unlike the county court, it did not hold pleas of lands; those actions which came before it were chiefly actions of debt and trespass. It does not seem to have been in any accurate sense inferior to the county court, that is to say, no appeal or complaint for default of justice could be taken from one to the other, nor do we find that actions were even transmitted to it by the King's court.

Some hundred courts were in private hands. The hundred of Dulverton was a case in point, and about 1255 we find the right to the ownership tried before Henry de Bracton himself (see No. 1491). When there was this personal ownership, it did not necessarily mean that there was any territorial right or any right to anything beyond the profits of the court. Where the court was in private hands, the lord's steward presided, in other cases the sheriff was the normal president, but as at the time under consideration[4] he had generally let the court to farm

[1] Stubbs, "Const. Hist.," I. cap. 5.

[2] "Hist. English Law," Vol. II, p. 518, where the existence of "islands" of a shire situated in other shires is similarly accounted for.

[3] "Staffordshire Collections" (Salt. Soc.), iv, (1883), 170.

[4] See the King's proclamation of his adhesion to the Provisions of Oxford in 1258; Stubbs, "Select Charters," p. 398.

to his bailiff, the latter usually presided. The suitors, freeholders of the hundred, made the judgments. The court represented the hundred, as the county court represented the shire. If the court gave a false judgment, the hundred had to pay for it. The hundred could be fined for neglect of duty, as will be shown presently in discussing the "murder" fine.

Twice a year the sheriff visited every hundred of his county, every hundred, that is, that was not in private hands. This was the "sheriff's tourn." His purpose was first to see that every one who ought to be, was in tithing, "the view of frankpledge," and secondly, to receive presentments of offences. On these occasions he presided in person and acted much as a county magistrate does in these days. Minor offences presented before him were dealt with summarily; presentments of felony were received, so that steps might be taken to have the offenders before the King's justices on their next coming. The ordinary suitors then took no part in judging. The attendance at the tourn was larger than at other meetings of the hundred. The chief pledges, the heads of their tithings, "the tithing men," had to be there and four men and the reeve from every township. These would be unfree men as a rule. Besides them there were the freeholders for a jury if such was wanted. A little later than the time of this book (52 Hen. iij) the Statute of Marlborough provided that no one above the rank of a knight, no "religious" man, and no woman need attend the tourn unless specially summoned. This statute was a re-enactment of the Provisions of Westminster (No. 4), A.D. 1259, based on the Provisions of Oxford.[1] The sheriff submitted the "articles of the view," the questions to be answered, as the King's justices submitted the articles of the eyre. The representatives of the vills or tithings in answer to these articles made presentments, which were put before the jury of twelve freeholders, who had power to reject them or to supply omissions. Upon the presentments thus endorsed the sheriff took action, issuing orders for the arrest of those charged with felony, and declaring those charged with pettier misdeeds to be in the King's mercy. The amercements were "affeered" or fixed by two or more of the suitors sworn to do the work justly.

This is an appropriate place to speak of the system of frankpledge, although only the duty of its supervision concerned the hundred. The theory was that every man, free or unfree, above the age of 12, should be in tithing,[2] so that he should have pledges for good conduct and keeping the peace. This was the broad rule, to which there were exceptions. Some men might have that which was a sufficient security in itself, land or rank. Others were in the household or mainpast of some

[1] See Stubbs, "Select Charters," p. 402.
[2] Bract., fo. 124b.

man. In that case the head of the house was responsible for them. The prior of la Houme did not produce two of his lay brothers, and suffered accordingly (No. 780); William, son of William de Pole, was of the mainpast of his father, who is therefore in mercy (No. 846); Nicholas Copin was of the mainpast of Robert Tresor in Cheleworth, therefore Robert is amerced (No. 924); Robert de Aula fled, he was of the mainpast of Isabella de Cheseburford, in Dorset, therefore she is amerced for his flight (No. 940); William de Glenvill and Malgerin were outlawed, they were of the mainpast of the Archdeacon of Taunton, who, being dead, could not be amerced (No. 981). Many other illustrations are to be found in these rolls. If men were itinerant from place to place they were not in tithing. Custom of the country had much to say in these matters. Some counties, Westmoreland and Shropshire for example, had no frankpledge. In Somerset it did not obtain in the burgh of Ilchester (No. 372). In Hertfordshire the householder was not responsible for a member of his household unless the latter should return to him after committing a felony, or unless he harboured the offender after his crime.[1] Those who were required to be in frankpledge were the villeins only. In the rolls before us we constantly find "so and so was not in tithing, *quia liber*."[2] The tithing was responsible for its man. If he, being accused of some crime, was not produced before the justices, the tithing was amerced. If it was shown that he was not in tithing when he ought to have been, the township was amerced. Here it should be observed that the word "tithing" in this connection has no territorial significance. It means the group of persons or pledges to which the accused belonged. For such a group there might stand a whole township or district, where the tithing man would be the tithing man of the place. This was the common system in the west of England. In these rolls we find, for example, the tithing of Melles" (No. 1024), "the tithing of Clatewurthy" (No. 1100), "the tithing of Little Baggebergh" (No. 1101), "the tithing of Dunyete" (No. 1178), "the tithing of West Hache," and "the tithing of Hache Beauchampe" (No. 1184), and others. But we also find there the system of groups of persons presided over by a chief pledge, tithing man, or head borough. For example, in the hundred of Yatton we hear of "the tithing of William the tithing man of la Wyk" (No. 755), we hear of "the tithing of Adam Cromer of Cheddar" (No. 788), "the tithing of Richard Kippinge in Dultingcote" (No. 823), "the tithing of Richard the tithing man of Eston" (No. 873), "the tithing of Gilbert the tithing man of Bristilton" (No. 924), "the frankpledge of Ralph de Gatekumb and William le Thayn" (No. 933), "the tithing of Robert Pile in Hardington" (No. 979), "the tithing of Philip Godman of Kinmersdon"

[1] Bract., fo. 124b. See *e.g.* Nos. 846, 899, 981.

(No. 991), "the tithing of Robert Bithewod" (No. 1077), "the tithing of Walter Wlwin" (No. 1086), and many others. In the one case the township discharged its duty of having all members in frankpledge and tithing by being itself a tithing and frankpledge. In the others it watched that the people resident within it and who ought to be in tithing were duly associated in groups. To ascertain whether this duty had been effectually performed was part of the sheriff's duty at his tourn.

Just as the "hundred" was a body of men, or court, so was the "county." Not once in these rolls do we meet with the expression *curia comitatus* or *curia de comitatu.* Where we find *comitatus*, we know that the county court is meant, the whole *comunitas* of the shire. From the earliest times, and down to the reign of Edward I, if not later, the county court was the folkmoot or general assembly of the people, at which was transacted the business, judicial, financial, and military, of the shire. In the time of Henry III the court was held every month, and twice a year there was a fuller and more important assemblage. How it was constituted is a difficult question. Commonly it is said that all freeholders should attend, together with the reeve and four men from every vill, but this statement is too general. Suit of court was not regarded as a privilege, far from it. It was a duty, and one of a very onerous character. There were many liberties, chartered and prescriptive, which enjoyed immunity from such suit, and individuals occasionally obtained exemption by the King's charter. In No. 1511 we have an instance of exemption from service as a juror or recognitor. Is it conceivable that every small freeholder in the outlying districts of a large county like Somerset, made a journey, perhaps on foot, across the county every month in the year, besides the duty of attending the court of his hundred every three weeks, and that of his manor, as often ?[1]

Moreover, suit was divisible. A given piece of land owed suit, that is its tenant was bound to attend the court. In process of time it became divided amongst other tenants. Still one suit only was done for the whole. Probably therefore the tenants arranged between themselves who should do it. Again, suit could be discharged by attorney or deputy. No. 1280 in this volume refers to such an attorney. This was conceded by the Statute of Merton in 1236, but it was not then a new departure. For long time before great men had enjoyed the privilege. Of the representatives of the vill "we read nothing in documents later than the *Leges Henrici*,"[2] nor even there does their attendance appear to be normal. If neither the lord nor his steward can attend, then the reeve, priest and four men may appear

[1] See "Hist. English Law," i, 523.

[2] "Hist. Eng. Law," i, p. 534.

and acquit the vill of its suit.[1] But at the time under consideration they must go to the county court if they have a crime to present, The president of the court was the sheriff, but he was incompetent to make judgment. No doubt his position often tempted him to influence a decision. We have an example in this book (No. 293). The suitors or some of them were the judges, the doomsmen. It was not necessary that they should be unanimous, but where there was a difference of opinion, it seems that the sheriff took the judgment of the better and wiser men. In this way too he was not without influence. We may well suppose that the ordinary business of the court was usually transacted by a small group of active and business-loving people. Of such a group we see something further on, when we consider the proceedings upon an eyre, a group bearing the strange name *busones* or *buzones*.

With the sheriff sat the coroners,[2] the *custodes placitorum corone* or *coronatores*, for the terms are interchangeable, as the rolls show. They were elected officers, knights, of the county. They held inquests on bodies of persons slain by violence or accident, received declarations of approvers, heard ordinary appeals up to the final trial, which was reserved for the justices, they kept record of exigents and outlawries, and received the confessions and abjurations of felons who had taken sanctuary. They inquired after treasure trove, they appraised and guarded wreckage, and sometimes on the direction of the King performed duties which would otherwise have been discharged by the sheriff. Indeed, throughout the 13th century they acted as a check on the latter.[3]

Of the judicial business of the court there is not much to say. Seemingly its jurisdiction in actions for land had become of little importance in the 13th century. It occupied an intermediate position between the feudal courts and the King's courts. It was the channel through which proceedings from the former went to the latter, and he who brought his case thus far, intended to carry it further. In personal actions its competence was limited to 40*s*. The criminal jurisdiction had ceased to be of any importance; the royal courts had absorbed it. By the Assize of Clarendon (A.D. 1166) it was provided that when anyone was accused before the sheriff of being "*robator vel murdrator vel latro vel receptor eorum*," he should be remitted to the justices. The 12th article of the Assize of Northampton (A.D. 1176) seems to imply that the King's justices were to try prisoners accused

[1] *Leges Henrici Primi*, vii, 7. Stubbs, "Select Charters," p. 105.

[2] See "Select Charters," p. 362. "Select Pleas of the Crown" (Seld. Soc.), p. 70.

[3] The latest learning on the subject is to be found in the treatise by Dr. Gross, "Select Cases from the Coroners' Rolls" (Seld. Soc.).

of all serious offences, except "*minutis furtis et roberiis que facta fuerunt tempore guerre sicut de equis et bobus et minoribus rebus.*" Again, the 24th article of Magna Charta prescribed that "*nullus vicecomes constabularius coronatores vel alii ballivi nostri teneant placita corone nostre.*" "What the "*placita corone*" meant in 1215 it is impossible to say precisely. They must at least have meant serious crimes, and this enactment cannot have had a less effect than that of depriving the sheriff's court of all criminal jurisdiction of importance.[1] Cognizance of small matters such as medleys and blows not involving the King's peace or felony it still had.[2] Still it had something to do, as these rolls show, in the initial stages of the criminal business that was afterwards to come before the King's justices. The "appeal" in criminal cases was commenced in this court, without any writ being necessary.[3] It also held inquests, as we also see, when directed by the King's writ.

One jurisdiction, and most important it was, belonged only to the county court and the folk-moot of London. Even the King's court did not possess it. The latter could order a man to be exacted, to be proclaimed and bidden to come in to the King's peace, but the county court only could outlaw him if he failed to obey the summons. This has always been so. John Wilkes was outlawed in the county court of Middlesex in 1764, having been "*quinto exactus* at the 'Three Tuns, in Brook Street, near Holborne."[4] The extent to which resort was made to the process of outlawry will be manifest from an examination of these rolls. For one man hanged, many were outlawed. Let us take the great roll of A.D. 1242–3 (No. 756) for example. We find that on that eyre there were 15 persons hanged to upwards of 100 actually ordered to be outlawed or waived, and 45 who took sanctuary and abjured the realm. This is a large proportion, and is not a little suggestive of the opportunities which a criminal had of escape. On the Gloucestershire eyre of A.D. 1221 complaint was made of 330 acts of homicide. One man was mutilated and about 14 were hanged, while about 100 orders for outlawry were given.[5]

Leaving the local courts, let us now consider the administration of justice in the Royal courts. To trace, or to attempt to trace, the gradual evolution of the courts engaged down to recent times in administering the common law, to say nothing of the Court of Chancery, is obviously a task beyond the scope of this Introduction, and, moreover, one which would involve the discussion of matters of doubt and

[1] Stephens, "Hist. Crim. Law," p. 83.
[2] Bract., fo. 154b.
[3] See many instances in "Coroners' Rolls" (Seld. Soc.).
[4] "Burrow's Repts.," p. 2535–6.
[5] "Hist. English Law," Vol. II, p. 555. "Gloucestershire Pleas of the Crown," Maitland.

dispute which may well be avoided for the present. It will be sufficient to give a general survey over the time covered by this volume.

In the time of our Norman and Angevin kings, the assemblage of prelates and notable men about the person of the King, the King's court, was the centre of business and society. It contained within itself the origins of all the great institutions of our present system of government. Such part of it as from time to time the King appointed for the purpose, the Curia Regis ad Scaccarium, controlled the financial affairs of the realm. Here was the beginning of the Court of Exchequer of later days. Another part dispensed justice, again under the King's direction and control.[1]

In early days the King's court of justice was very much what he chose to make it. The King needed no statute to effect a change in its constitution. He was the fountain of justice in himself, he often presided in person, he selected his assistants, his justices, and removed them at pleasure. Henry II we know was unusually active where the administration of justice was concerned. He made experiment after experiment, and did not hesitate to give effect to the experience he gained. From A.D. 1178 we hear that the King had chosen five men, two clerks and three laymen, who were not to depart from the King's court, but were to hear all complaints of the kingdom; questions that they could not decide were to be reserved for the King and his wise men.[2] Here we have the making of a central and permanent court. It was the *capitalis curia Regis* of Glanvill. From the early years of the same King's reign itinerant justices had made their circuits through the country, and the court they held was also *curia Regis*, but not *capitalis curia Regis*. We do not know for certain whether the justices followed Henry II in his movements through the country. Probably they did, but during the later years of his reign he was but seldom in England, and then only for short visits. His successor Richard paid but two visits to this country, and although he did preside in person while here, we can scarcely say that the *curia Regis* shows a tendency to split up into two courts. It was otherwise in John's reign. That King was frequently on the move with justices in his train, while another set of justices sat term after term at Westminster or at St. Bride's, in London. The latter were styled the justices of the Bench, and the court so constituted came to be known, in time, as the Common Bench, the Common Pleas of our time. Parties were summoned before it by a writ directing them to appear "before our justices at Westminster," whilst litigants whose disputes were to be decided by the other tribunal were to appear "before us wheresoever we shall be in England."

[1] See on this subject, Madox, "Hist. Exch.," Vol. I, pp. 2–6.
[2] "Hist. English Law," Vol. I, p. 133, quoting *Gesta Henrici II*, p. 207.

The records of the proceedings at Westminster are the "*placita apud Westmonasterium;*" of those before the King are "*placita coram rege*," the "De Banco Rolls" and "Coram Rege Rolls" respectively. Cases could be transferred from one tribunal to another. Professor Maitland has given some instances gleaned from Madox and other sources.[1] A.B. owes the King half a mark for removing *coram rege* a case *quae est coram justitiariis de Banco;* the King greets the justices of the Bench, and bids them put a particular case *coram eo quia illam audire vult;* the King sends the record of a case to the justices, telling them that it was to have been heard *coram domino Rege*, but that at the prayer of one of the parties it is put before the justices in London; the King tells the justices at Westminster to excuse A.B. for not having been before them on a certain day, because on that day he was *coram nobis in placito.* Again, fines were levied before the justices at the Bench term after term, and before the King from time to time and from place to place. Professor Maitland gives reasons[2] for the statement that even when the King was at Westminster the two bodies of justices did not necessarily coalesce, for fines of even date were levied at Westminster before the King and his party and before the justiciar and his party. Thus we see that although in John's reign the court sometimes assumed a dual form, that it could be in two places at once, and that two forms of summons were in use, it could not be said that there were yet actually two courts. Each of these divisions was competent, as we see from the plea rolls, to do all manner of business. There seems to have been no difference in their jurisdiction. When the King left the country, the judges who had been attending him joined their fellows at Westminster, and a justice when appointed was not appointed specially to either division.

This division of the King's court disappeared during the minority of Henry III. So long as he was an infant he could not hear pleas. The justices of the Bench sat regularly in London, and their work was supervised by the Council of Regency, which, although not a court of law in the ordinary sense, did interfere in many ways in judicial matters.

The division reappeared when the King became of full age, and began to do justice in person, and from about 1234 onwards we have two distinct courts, each with its own set of rolls. The justices of the Bench sit at Westminster and record their proceedings in the "De Banco Rolls," the others follow the King, and their records are the "Coram Rege Rolls." Differences in jurisdiction now show themselves. The court held before the King can supervise and correct the decisions of the Bench.[3] Again, the provision in the Great Charter that "common pleas," civil suits between private parties, should no longer

[1] Introd. to "Select Pleas of the Crown," p. xiv. [2] *Ibid.*, p. xv.
[3] Bract., Note Book, pl. 1166, 1199.

follow the King, had created a special jurisdiction. In fact the provision of the Charter was used as a plea to the jurisdiction of the court.[1]

Common pleas no longer were heard *coram rege*, they were the peculiar province of the Bench at Westminster, and of such of the itinerant justices as by their commissions were authorised to take them. Both courts still continued to hear pleas of the Crown or criminal business at least during the minority of the King. Thus the cleavage which existed in the time of John becomes deeper in the reign of his son. Perhaps we cannot say that the two courts became entirely distinct until each had its own chief justice. That time is not far off, although the precise date is not ascertained, the beginning of the reign of Edward I found the separation of the courts complete. During the time covered by this book the court "before the King himself" was variable in its constitution; ordinarily it would consist of a few professional judges, but at times the King would be present in person with a gathering of his great officers and notables. By the time of Edward I the term "King's Bench" is given to the body of professional judges, and a new set of records, the Parliament Rolls, comes in, whereon are recorded the proceedings of the King and his council, of the larger gathering of the old "court of the King before the King himself."

It is interesting to remember, indeed it should not be forgotten in the consideration of this subject, that the strict title of the justices of the Court of Common Pleas which was destroyed by the fusion effected under the Judicature Acts of recent times, was "the justices of the Bench," and the justices of the Court of Queen's Bench were "the justices assigned to hold pleas before the Queen herself." From a historical point of view the Judicature Act of 1873 was a retrograde step. "In 1875 the Judicature Act of 1873 was brought into operation, and the Courts of Common Law and of Equity, all of which had been originally derived from the Curia Regis, or the powers of one of its members, the Lord Chancellor, were reunited under the name of the High Court of Judicature. The Court of Queen's Bench thereupon lost its ancient title, which however survives in the name of the Queen's Bench Division, and its Chief Justice became the Lord Chief Justice of England, a title which almost literally reproduces that which was borne by Lucy, Glanvill, and De Burgh. The High Court of Judicature, and more particularly the Queen's Bench Division of the court, is thus the representative of the Curia Regis in the capacity of a court of criminal justice."[2]

[1] Bract., Note Book, pl. 1213, 1220.

[2] "Hist. of Criminal Law," Vol. I, p. 94. Sir J. Fitzjames Stephen by a slip uses the term "High Court of Judicature." It should be "Supreme Court of Judicature," not to be confounded with the "High Court of Justice."

It could not be supposed that a King, however industrious, could possibly do all the justice which the exercise of his prerogative as the supreme authority would require from him, even with the assistance of a central tribunal such as the Bench, unless he delegated his authority from time to time to justices or commissioners, who would travel from county to county trying criminals and disposing of civil business on the spot. It will be remembered that the county court had not jurisdiction over all manner of crimes. From very early times the King reserved to himself for his own administration and profit many criminal pleas. Others less important were determined by the local courts.[1] Glanvill said,[2] in the days of Henry II, "*Placitorum aliud est criminale, aliud civile. Item, placitorum criminalium aliud pertinet ad coronam domini Regis, aliud ad Vicecomites provinciarum.*" The crime of theft, although punishable by death or mutilation, belonged to the sheriffs, and to them also appertained to take cognizance of frays, strokes and wounds, "*pro defectu dominorum*"—which Sir J. Fitzjames Stephen interprets to mean, where there was no franchise[3]—unless the accuser laid the offence to be against the King's peace. Practically all else was in the province only of the King's justices. Obviously then there must have been work for many royal commissioners throughout England. Accordingly we find that from very early times, how early we do not know, the King did make use of this means. Madox has given us the names of such justices or commissioners in the time of Stephen.[4] And Bishop Stubbs[5] says that the examination of the Great Roll of the Pipe, of 31 Hen. I, shows that during his reign the practice of the eyre was observed both for financial and judicial purposes. It is quite certain that the practice was much earlier than A.D. 1176, when Henry II divided the country into six parts, and appointed eighteen itinerant justices for them. Madox proves this from the entries on the rolls of the Exchequer,[6] and gives a long list of the justices, of whom some were appointed "for pleas of the crown and common pleas, and for imposing or setting the assizes or tallages upon the King's demeans." Moreover, as pointed out by the learned author of the "Hist. of the Criminal Law,"[7] the language of the Assize of Clarendon (1166) implies that in all parts of England justices either came or were accessible at short intervals. After providing for the arrest of robbers and murderers, the assize goes on to say that when persons are arrested for robbery and murder, "if the justices are to come soon into the county in which the prisoners are in custody, the sheriffs are to send to the nearest justice by some intelligent person to say that they have taken

[1] Stubb's "Const. Hist.," 2nd Ed., p. 187.
[2] Bk. I, c. 1 and 2.
[3] "Hist. Crim. Law," Vol. I. p. 82.
[4] "Hist. Ex.," Vol. I, p. 146.
[5] "Select Charters," p. 141.
[6] "Hist. Ex.," Vol. I, c. 3.
[7] Vol. I, p. 100.

such prisoners, and the justices are to send back to the sheriffs to say where they wish the prisoners to be brought before them, and the sheriff shall bring them before the justices."

The powers of the justices or commissioners were determined by the form of the commission under which they were appointed. Not much limit could be placed upon the King's power to shape his commission as he pleased, but in practice the principal commissions of those days bore much resemblance to the commissions of the present. There was the single commission for civil business, to hear the lesser assizes, such as novel disseisin and mort d'ancestor. There was the equally single commission to deliver a particular gaol. This did not then, any more than now, authorise the trial of a prisoner out on bail. The present commission of oyer and terminer was not known by that name. If it was intended that a justice should have power to try all offenders whether in gaol or not, and to hear civil pleas beyond the lesser assizes, he received a commission "to hear all assizes and all pleas." As early as 1225 we find an instance of the use of the *nisi prius* clause. A sheriff is ordered to make a return of an inquest by a certain day, "*vel coram justiciariis si prius in partes illas venerint ad assisas nove disseisine*," etc.[1]

It is not easy to trace the growth of the authority of the itinerant justices. Professor Maitland summarises it concisely thus:[2] "It seems probable that the *justiciarii errantes* even in Henry I's time had full power to hear all the then recognized pleas of the Crown, a list of which may be found in the *Leges Henrici Primi*.[3] As to common pleas, the tendency seems to have been towards widening the scope of their commissions. In 1176 they were specially charged to take the then very new possessory assizes of mort d'ancestor and novel disseisin.[4] In 1194 they were to take grand assizes also if only 100*s*. worth of land or less was in dispute.[5] In 1218 they are competent to take all assizes and all pleas; the whole litigation of the country stands adjourned before them.[6] There are rolls which suggest that already in John's reign the commissions sometimes took this most comprehensive form; but of this we cannot be very certain. Nor can we be very certain whether more restricted commissions were not sometimes issued. We may sometimes find membranes covered entirely with possessory assizes, and it is very possible that mere commissions of assize were in use; but these possessory actions had become so much the most common of all

[1] Bract., Note Book, pl. 721.
[2] Introd. to "Select Pleas of the Crown," Seld. Soc., pp. xx and xxi.
[3] "Leg. Hen. Primi," c. 10.
[4] "Assize of Northampton," Arts. 4 and 5.
[5] Articles of 1194, "Hovenden," Vol. III, pp. 262-7. Stubb's "Select Charters," p. 260.
[6] "Rot. Cl.," Vol. I, p. 380.

forms of litigation, that we may well be entitled to this inference. How splendid a success had attended their institution may be learned from the Charter of 1215, which ordained that they should be taken four times a year in every county.[1] Perhaps the demand for justice that was thus conceded was a little extravagant; in 1217 once a year was substituted for four times.[2] Thenceforward, besides the commissions for what were more specifically known as eyres (*itinera ad omnia placita*), there were commissions of assize. The common practice was to issue a commission for each separate possessory action. During the first years of Henry's reign[3] the commissioners were generally four knights of the shire. A little later it became usual to commission one of the royal judges, and allow him to choose his own associates."

When justices were commissioned to proceed upon an eyre to take all pleas, they were supplied with a copy of the articles of the eyre, the *capitula itineris*. These were a set of interrogatories directed to a great variety of matters, for the business of the justices was not merely to redress wrongs and punish criminals, but to look after the various sources of the King's revenue. Their business was financial as well as legal. A large part of the revenue of the Crown was derived from fines and amercements under judicial orders. Matthew Paris,[4] writing of William de Eboraco and Robert de Lexinton, whose names are to be found in this volume, says that in 1240 "*sub praetextu justitiae infinitam pecuniam ad opus regis omnia dispergentis collegerunt.*" But the King had also rights of wardship and of marriage, of escheat, of presentation to churches, and here and there of demesne, all which needed supervision and called for inquiry. Hence the need for the articles which directed the justices to the particular inquiries they were to make from the representatives of the hundreds and burghs, as they should attend the former on their coming to the country. These articles are not usually to be found in the rolls with the commissions. They seem to have been settled from time to time by the King or his council, and they become more and more detailed as time goes on. Roger Hovenden has handed down to us those of 1194 and 1198.[5] The former are printed in "Select Charters," p. 259. They include searching inquiries after the King's escheats, concerning churches which should be in his gift, the wardships of boys and of the marriages of girls and widows which should belong to him; concerning the killing of Jews, and of their property and affairs, concerning the supporters of the King's brother John, who had made fine with the King, and who not, and concerning their chattels and those of John, and touching John's lands, wardships,

[1] "Charter of 1215," Arts. 18 and 19.
[2] "Charter of 1217," Arts. 13, 14, 15.
[3] That is, of Henry III.
[4] (Rolls Ser.), Vol. IV, p. 34.
[5] "Hovenden" (Rolls Ser.), Vol. III, p. 263, Vol. IV, p. 61.

and escheats, and all debts and fines which were owing to him; concerning wines sold contrary to the assize, and as to false measures; concerning those who had assumed the Cross and had died before their departure for Jerusalem, and as to their chattels. They contain provisions for ascertaining by inquest the King's rights, and for examining into and recording the affairs of the Jews by a mixed commission of Jews, Christians, and royal officers. There is also the important provision that no sheriff is to sit as a justice in his own county, which marks a distinct middle stage between the Assize of Northampton (1166), in which the sheriffs share office with the itinerant justices, and the 24th clause of the Great Charter, which forbids them to hold pleas of the Crown.

In Bracton[1] we have another set for an eyre in the Cinque Ports in 1227. This set is on the Close Rolls.[2] The justices were to inquire concerning all pleas of the Crown which had previously been before the justices at Shepway and not determined, and those which had arisen since the last eyre; concerning all who were in the King's mercy and had not been amerced; as to the King's advowsons; as to assizes of cloth, wines sold against the assize, and weights and measures made and sworn, and if preserved or provided, and whether the keepers of the weights and measures have taken pay from people so that they might sell by others; as to treasure-trove, and concerning the King's escheats and purprestures made on his lands; as to ships captured in war and delivered up by William of Wrotham, to whom they were delivered, and what had become of them, and as to the sale of ships or timber to build ships for the enemies of the King's father, and as to many other matters. Bracton[3] gives yet another set which Prof. Maitland points out is very like the set of 1254 given in the "Annals of Burton," p. 330, which in its turn is very like an undated set found in the Gloucester Cartulary (Rolls Ser.), Vol. II, p. 276. "The set in Bracton may belong to 1254; it alludes to an assize made '*anno præterito*' against receiving strangers for more than one night. This prohibition was as ancient as 1166, but in 1253 it had been once more promulgated by a writ which is printed in Stubb's 'Select Charters,' (part VI, p. 362). The Articles in the 'Annals of Burton,' however, which belong to 1254, do not contain any similar allusion."[4] This later set in Bracton is very lengthy, and it is unnecessary to do more than refer to some of its more important provisions. The inquiry as to old pleas of the Crown is accompanied by a provision that if anyone were accused of an offence which might have been put before the justices of the previous eyre, and was not, he might claim an exception, and further,

[1] Fo. 117b. [2] "Rot. Cl.," Vol. II, p. 213. [3] Fo. 116b.
[4] Introd. to "Select Pleas of the Crown," p. xxii (note).

the twelve jurors of the earlier eyre might be charged with perjury. Regard was also to be had as to the manner of amercing a person. A knight or free man was not to be amerced except according to the measure of his offence, according to whether it was great or small. The merchant in like manner saving his merchandise and the villein saving his wainage, and this by the judgment of trustworthy men of the visne. Earls and barons were not to be amerced except by their peers. A clerk was not to be amerced according to his benefice, but in proportion to his lay fee, and according to the measure of his offence. We find also inquiries concerning the King's serjeanties, concerning sheriffs and bailiffs of the Crown who have held pleas of the Crown and have taken amercements; concerning Christian usurers who have died, and their chattels; as to new markets, and alterations in the dates for holding old markets; concerning the levying of new customs, the escape of thieves, malefactors in parks, fishponds, and dovecotes; touching those who do not permit the bailiffs of the King to enter upon their lands to make distress or attachments, etc., and as to the various defaults of sheriffs and other officers. The conduct of the latter officials occupies a large space, and the interrogatories are numerous and searching.

There is a set of articles upon a roll in the British Museum.[1] This set, which has the answers annexed, is of 4 Edw. I. Reference could be made to others, but enough has been written to show the character of the instructions which the justices took with them upon their eyres. How they were actually used I shall have occasion to explain presently. Suffice it to say here that many of the entries upon an eyre roll can be seen at once to be the answers of the jurors to questions put by the articles. Many of the interrogatories shortly outlined above can be traced through the presentments of the jurors on the roll of the Somerset eyre (No. 756) in this volume.

The justices, having received their commission, were duly sworn to do righteous justice to rich and poor alike, and to keep the assize according to the articles, after which they were told expressly that they should as far as possible serve the King's interests.[2] The sheriff of the county was also informed of the coming of the justices, and ordered to make the necessary preparations. These of course depended upon the scope of the commission under which the justices were to proceed. It would be wearisome to reproduce here the several forms of writs to the sheriff applicable to the several commissions: they are to be found set out in Bracton.[3] We may take as an example the writ of general summons which announced an eyre, when the justices were about to visit the country to hear all manner of pleas. The sheriff was ordered to summon by good summoners all arch-

[1] Add. Roll. No. 5153. [2] Bract., fo. 109. [3] Fo. 109 *et seq.*

bishops, bishops, abbots, priors, earls, barons, knights, and freeholders of his whole bailiwick, and from each vill four lawful men and the reeve and from each borough twelve lawful burgesses, and all those who were wont and ought to come before the justices itinerant, that they be at such a place on such a day before the justices. He was also to bring before the justices all pleas of the Crown not yet pleaded, and which had arisen since the last visit of the justices to hear all pleas, and all attachments appertaining to those pleas, and all assizes and pleas which were put to the first assize before the justices, with the writs, so that they should not remain through the default of the sheriff or his summons. He was to make known by proclamation throughout his bailiwick that all assizes and pleas which were attached and attermed and not finished before the justices of the Bench or before the justices on the previous eyre, or before justices sent to take assizes of novel disseisin or to deliver the gaol, should be brought before the justices in the same state in which they remained. He was also to summon all who had filled the office of sheriff since the previous eyre, that they should be before the justices with the writs of assize and pleas which they respectively had received, to answer for their own times; and, lastly, the sheriff was to have with him his summoners and this writ. It will be observed that this summons provides amongst other things for the transfer of a cause pending at Westminster before the Bench, to the justices in eyre. To provide against this contingency of removal from the central court to the country, the justices of the Bench frequently gave a day to the parties under the *nisi prius* condition, that is, unless the justices itinerant should come earlier into the country—*nisi justitiarii itinerantes prius venerint ad partes illas*—and the cause proceeded in the Bench until the circuit began. If the justices did come before the day fixed at Westminster, the transfer took effect, and it was the duty of the parties to be ready to meet them.[2] The statement that so and so had a day *in Banco*, at "the bench," will be found of very frequent occurrence in this volume.

Let us now in imagination follow the justices to the county and see what they did. It will be convenient to assume that they are upon a general eyre, such as that in Somersetshire of 1242–3 of which we have the splendid record in Roll 756. When the King's justices, Roger de Thurkelby, Gilbert de Preston, William de Sancto Edmundo, and Alan de Farnham, reached Ilchester, on the quindene of Hilary, there must have been a great array of people of the shire to meet them. The sheriff no doubt was there, and if his summons was duly obeyed, there should also have been present the sheriffs who had held office since the previous eyre, together with a number of prelates and other

[1] Bract., fo. 109b.

[2] Bract., fo. 109b and 110.

great persons. We can see from the roll that this was the case. The coroners too were there. There must also have been at least a sufficient number of knights and freeholders from every hundred to act as jurors. Every vill should have been represented by four of its men and its reeve. Again, there must have been a numerous body of local officials, pledges, essoiners, finders of dead bodies, suspected persons, and people whose testimony would be required during the proceedings to come. Ilchester must have been a busy place at these times. Beyond this multitude there is ground for argument that every freeholder in the county, except such as may have enjoyed some special exemption, ought to have been there. This has yet to be proved, however. The number of defaulters amerced during the eyre of 1242–3, as appearing by the roll, was not so large as might have been expected if all the freeholders of the county ought to have attended. If we turn to the form of the general summons we do not get certain information on the point. The summons does not say, without qualification, "summon all freeholders," but "*omnes . . libere tenentes de tota bailliva tua . . . et omnes alios qui coram justiciariis nostris itinerantibus venire solent et debent.*" This may perhaps mean, "summon all who are wont and ought to attend," that is, all who properly owed suit to the court. All who owed suit to the county court ought to have been there, for this court of the eyre, besides being the royal court, held by the King's judges, was also the ancient county court assembled for an extraordinary sitting. "The county, or the county court (the language of the time has but one word for the two), took an active part in the criminal business. It could testify by word of mouth, for record it had none, to what had happened at its ordinary sessions, it could declare the customs of the country, it could say how Englishry should be presented, and the like."[1]

We do not know where the court held its sittings. A county court we are told occasionally met in the open air. Sometimes it sat within doors, and probably the King's justices found the latter practice the more convenient. Latin was then, and for centuries afterwards, the solemn language of the law, but Norman-French was used in discussion in the superior court, and probably not a little English must have been spoken there, as no doubt it was in the inferior courts.

The proceedings of the eyre were opened by the reading of the writs under which the justices were empowered to act, after which, says

[1] "Gloucestershire Pleas," Maitland, p. xxiv. In the "Westmoreland Assize Roll" No. 979 (40 Hen. III) the procedure seems to be stated in an unusual form. Immediately under the heading *Placita corone* on memb. 10, is written, "*Corpus comitatus venit per duodecim juratores*," and several following membranes are headed, "*adhuc de corpore comitatus.*" Then comes, "*Villata de Appelby venit per duodecim iuratores*," and that completes the record of such pleas. For Crown business the whole county except Appelby attends by twelve jurors.

Bracton, if it should please the justices, some one of the older and more discreet of them might state the cause of their coming, and its utility and advantage if peace is to be observed.[1] This done, he goes on to say that the justices should go to some secret place—*in aliquem locum secretum*—and having called to themselves four or six or more of the county magnates, "*qui dicuntur* busones *comitatus et ad quorum nutum dependent vota aliorum*," and are to consult with them about the keeping of the King's peace. "No satisfactory explanation of this strange word *busones* is forthcoming, and most critics have thought that it is a mere mistake for *barones*. But there is a record of John's reign which speaks of the *buzones* of Gloucestershire. The county court had sent up to Westminster certain knights to make oral record of a plea. The record it seems was false, and the knights were arrested. The order is to this effect: let the knights who are wont to take part in false judgments, and who are *buzones judiciorum*, be arrested; and then two persons are mentioned by name and are called *buzones*. It may be then that *busones* is really a word, and that of this title were known those foremost men of the county who led the county court, and were its mouthpieces."[2] Kelham renders the word "besoigne," as "plus sage." Is there any connection between "busones" and "besoigne"? I offer the suggestion as one more attempt to explain the word. Whatever the *busones* may be, the justices are to explain to them that all persons, as well knights as others, above fifteen years of age, should be sworn not to harbour outlaws, murderers, robbers, and burglars, and that if they should know of such, they should cause them to be attached, and should inform the sheriff and his bailiffs; that if they should hear the hue and cry, they should forthwith join in the pursuit with their households and men. They should also be sworn to arrest persons coming into the town to buy victuals if it be suspected that they are for the support of malefactors; not to receive strangers into their houses at night, and if by chance any one should be received, not to allow him to leave before full daylight, and in the presence of some of the neighbours."[3] The day of the county magistrates as we know them had not come. They were not appointed until 1360. The coroners may perhaps be said to have discharged duties similar to those of the magistrates subsequently appointed. But they were elected officers, and their powers soon became much curtailed. Later on we hear of certain persons called keepers of the peace. They too were elected by popular voice, and soon disappeared, to be succeeded by the nominees of the Crown. History does not show that the election of magistrates as opposed to their appointment by the Crown ever worked well in practice.

[1] Fo. 115b.
[2] Prof. Maitland, "Gloucestershire Pleas," p. xxiv.
[3] Bract., fo. 115b, and 116.

The next step in the proceedings was to elect and swear the jurors which were to represent the hundreds, the boroughs, and such other places as were privileged to appear separately, "to swear by themselves," as the expression was. These were the sources from which the justices would expect to derive the greater part of the information they were about to seek. It would be for them to answer the questions put in the articles of the eyre, for them to make presentments of many kinds, as will be seen on reference to the roll. "It would be an anachronism to call these juries grand juries, for the petty jury was not yet a permanent institution; still their chief office was to present, not to try, though the difference between presentment and trial was hardly yet developed."[1] In 1194 there was a special direction as to the manner in which these juries should be chosen. First, four knights were to be selected from the whole county, who, after being sworn, should elect two knights from every hundred, and the two being also sworn should elect ten knights, or if there were not a sufficient number of knights, make up the number with lawful freeholders, and the twelve should together answer the articles of the eyre.[2] Bracton states the practice thus: the serjeant of the hundred was to choose four knights, who were sworn to elect twelve knights or free and lawful men. The roll of the Somerset eyre does not give, as is usual in such cases, the list of jurors with the names of the electors, so that we do not know for certain how the hundredors were chosen on this occasion. But so far as my observation of the rolls of other counties has gone, I do not find that Bracton's rule was strictly followed about this time. In the Northumberland assize roll for 40 Hen. III (A.D. 1255–6)[3] there seem to have been two "electors" for the hundred. The Berkshire Assize Roll No. 37, 25 and 26 Hen. III (A.D. 1241), contains a list which shows that two electors chose twelve others, except in one case, where they elected eleven, and in another, the borough of Reading, where they chose thirteen. In Hungerford borough there were thirteen jurors, but no one is noted as "elector." In the Essex Roll No. 235, 39 Hen. III (A.D. 1254–5), two electors choose ten. It is the same in the Hertfordshire Roll No. 318, 32 Hen. III (A.D. 1247–8). Many other illustrations might be given. But however this may be, our hundredors, when chosen, were submitted by name to the justices, and were thus duly sworn. One of them took an oath in this form: "Hear this, ye justices, that I will speak the truth concerning this which ye ask me on the part of our lord the King, and I will faithfully do that which ye order me to do on the part of our lord the King, and I will not omit for anyone, but will so act according to my ability, so help me God and these holy gospels of God."[4] After-

[1] "Gloucestershire Pleas," p. xxv.
[2] Form of proceeding on the Judicial Visitation "Select Charters," p. 259.
[3] Surtees Society, p. 129, ed. Page.
[4] Bract., fo. 116.

wards every of the others swore by himself: "the like oath which A the first juror has sworn I will keep on my part, so help me God and these holy gospels." This ceremony concluded, the articles of the eyre were supplied to them, and they were told that they must be prepared with their answers *(veredicta)* by a certain day. Before they withdrew to consider their answers, they were further told privately that if they knew of persons of ill repute they were to arrest them, and if that were not possible, they should give the names secretly to the justices, who would take steps through the sheriff to seize them, so that justice might be done.

The task of the jurors thus set before them was not light. It is true that in those days, when the population was scanty, every one was more or less known to his neighbours. We may fairly assume that in the thirteenth century village, the average population of which was from 60 to 80 inhabitants,[1] there was as much curiosity about other people's business as there is in the present day, and that is to say a good deal. Moreover, we must remember that a marked feature in the system in force for the preservation of public order was the responsibility of individuals for others. The head of a household was responsible for those who ate his bread. If a servant committed an offence, his master had to produce him, and was punished if he failed. The frankpledge was bound to produce an offending member, or suffer for the neglect. The strange guest for the night could not depart in the morning except in the presence of neighbours. It was incumbent upon everyone to try to arrest malefactors. If a thief or murderer fled, it was the duty of everyone to raise the hue and cry, to follow the track of the offender to the confines of the vill, and there to show the track to the people of the next vill, who in turn should take up the pursuit. If the township neglected this duty it was punished by fine. How often this fine was imposed a glance at the roll will show. We see moreover that bystanders in whose presence a man was killed, were punished because they did not there and then arrest the murderer (No. 1145). We may therefore assume that it was not so very difficult for the jurors to collect and present all necessary information concerning occurrences of recent date, but it was not so easy to remember everything that had taken place since the previous eyre about seven years before. Yet if they omitted by accident or design to present anything which they should have presented they were fined; if they presented something incorrectly, if they gave a wrong name, if they said that Englishry had been presented when it had not, if they neglected to give the name of a suitor who had made default in answering the summons to attend the justices, they were fined. They could not

[1] Thorold Rogers, "Six Centuries of Work and Wages," p. 46.

escape the responsibility. A man riding from one manor to another fell from his horse and was killed. The jurors of the former did not present that he left their manor in safety. They were amerced for their omission (No. 1167). Another set of jurors rightly presented that a boy had fallen into a vessel full of hot water and had died, but they omitted to add that he so fell while attacking a dog. The town-ship, not the hundred jury, was amerced for the omission. Why the distinction was made does not seem clear. If a juror absented himself he was fined, and apparently not always in the same amount (see, *e.g.*, No. 1455). The amount of the fine depended probably upon the resources of the offender. Perhaps a little pressure too was put upon the jurors by the great men of the county. Philip de Columbariis did not come to meet the justices on the first day, and it is significant that the jurors of the burgh of Caput Montis and of the burgh of Stowey, in both which places he was supreme, were fined for suppressing the fact of his non-attendance (see Nos. 1071 and 1156). The justices evidently did not take the answers of the jurors without examination. They had the rolls of the coroners, the sheriffs' rolls, and those officers themselves before them, and thus could test the truth of many of the presentments. Probably too they examined the jurors personally when a doubt presented itself. Indeed, Bracton, writing of the duties of a justice in cases of prosecution by the King after the breakdown of an appeal, says that it is a duty to examine the jurors and to sift their evidence, lest injustice should be done.[1] Again and again we find presentments checked and corrected in a manner that compels us to believe that the justices had many sources of information open to them, and that they were astute and quick to use them. It is not quite clear whether the answers of the jurors to the articles were in writing or by word of mouth. We know that the secret return of names of suspected persons mentioned above was in writing, Bracton speaks of it as "*quadam schedula*"[2]; it is referred to in other rolls as *rotulus de privatis*.[3] It is not probable therefore that the general answers to the articles were not also in writing. They did not necessarily lead to immediate action. In many cases these answers would be used as the bases for further proceedings initiated in the Exchequer or elsewhere, or the King himself might have to be consulted upon them. There are entries upon our roll which seem to show that the jurors did put their presentments into writing, see Nos. 796, 916, 1042, and 1115. No. 950 speaks of a "written verdict."

Whilst the hundredors and other jurors withdrew to consider their answers, we may safely assume that the justices entered upon the civil

[1] Fo. 143. [2] Fo. 116.
[3] *e.g.*, "Gloucestershire Roll of 1221," pl. 254.

business of the eyre. Our roll does not tell us how long a time was given to the jurors for their work. Prof. Maitland tells us that in A.D. 1221 three of the Gloucestershire hundreds had a week or rather more allowed them.[1] As a rule the record of the civil business upon an eyre roll precedes that of the pleas of the Crown. Passing over this interval for the present, and coming to the time when the jurors are ready with their presentments and the Crown business of the eyre proceeds in its usual course we find the jurors of a hundred answering the articles relating to what may be called the financial as opposed to the judicial business of the eyre; the King has the right to the marriage of a lady, or to the wardship of an infant; the Prior of Bradenestoke lays claim to franchise of gallows. The presentments are recorded, and there is an end of them for the present. Perhaps the King may give some directions by and bye, but they do not concern the justices further. Then the jurors inform the justices that so and so has been accidentally killed under the circumstances stated. Here is a chance of making money for the King. Perhaps the finder of the body has been attached to be present, and he does not come. His pledges must therefore be amerced. Perhaps the body was buried without view of the coroners. That is an offence for which the township must be fined. Then there will often be question of deodand, the boat from which the unfortunate was drowned, the millwheel that crushed him, the tree that fell upon, the cart that ran over him, even the geese carried by it must be appraised and the value paid as a deodand. Was the man killed an Englishman or not? Englishry may or may not have been presented, or it may have been done without due observance of form. Again more fines. Frequently we hear of the flight of offenders. They must be exacted in the county court and properly outlawed. More people run away in those days than are hanged. Still we find not a few meet their deaths at the hand of the hangman. When an offender is caught or comes, the justices deal with him; and now arises an important question, and one difficult if not impossible at present to answer with certainty. What jury tried him?

At the time under consideration the two modes of bringing an offender to justice, the appeal or private suit of the injured person, and the indictment preferred by the jury, ran side by side, but the procedure by indictment seems to be superseding the private suit. In the one case the jurors say that so and so has appealed so and so in the county court of such and such an offence. The record then says that the appellee comes and defends, that is denies, everything and puts himself upon the country. The jurors testify that he is guilty.[2] In the other we are told that so and so is accused of

[1] "Gloucestershire Pleas," p. xxvi.

[2] See, *e.g.*, No. 1104.

such an offence. The person indicted comes and puts himself upon the country.[1] The jurors say that he is guilty. These are simple cases, and the question is, was the convicting jury the same body as that which presented? Mr. Justice Stephen[2] was inclined to think not, but Prof. Maitland,[3] while admitting that the practice of Bracton's day is doubtful, takes the opposite view concerning the procedure in A.D. 1221.

The presenting jurors were bound by their oaths to present appeals and cases of suspected persons, but when their turn came to say one way or the other whether a man was guilty or not, they may have been satisfied by personal knowledge or inquiry as to the truth. There is an interesting example in our roll: see Nos. 931 and 932. The jurors first present that one Roger Scurye was outlawed in the county court for wounding Adam Crek. It seems that Adam died. The jurors present further that John Cole was attached by pledges because Roger did the deed by his order. They say that John Cole did incite Roger to attack Adam. Thereupon the justices order John's arrest. When John comes, he puts himself upon the country, and the jurors say that he is not guilty. Unfortunately we do not know whether the presenting jurors and the jurors who acquitted John were the same. I think that the reasonable inference is that they were. It seems from the record in No. 932 that the charge against John started with one William de Eston, who was fined for his false indictment. Whether William was one of the jurors of the hundred we do not know, because unfortunately we are wanting, what is usually given in these rolls, a list of the hundredors. The use of term "indictment" is perhaps rather against this, and rather points to him as an individual from whom the presenting jurors obtained their information. But too much importance should not be attached to a word like this. If jurors had doubts, they may have been reinforced by other jurors. In an earlier roll in this volume (No. 755) we find many instances of this. The jurors of other hundreds are called in for example. In the roll under consideration the practice seems to have been to afforce the jury of twelve by the jurors of the four neighbouring vills.[4]

Must the convicting jury or juries be unanimous? If the solitary statement in No. 1082 can be taken as indicative of the usual practice, the answer must be in the negative: "the jurors and the four townships, except William de la Ford, who is one of the jurors, say upon their oath that he is not guilty."

This is a very slight and general statement, but is probably somewhere near the truth, and for the present must suffice. One thing is clear,

[1] See No. 758.
[2] "Hist. of Criminal Law," Vol. I, p. 258.
[3] "Glouce tershire Pleas," p. xliii.
[4] See for example, No. 956.

we have not yet got the separate bodies of later days with separate functions, the grand and petty juries.

Something has been said above of the procedure by "appeal," the ancient, and during the time covered by this book the still normal mode of bringing a criminal to justice. It was the private suit of the injured person or his relative against the injurer. It began in the county court or in the hundred court (see No. 757) without any writ, by the relation there, before the coroners or other proper officers, of the charge in a carefully chosen form of words, to which great importance was attached. The appellor was required to set forth with great precision the time, place, and circumstances of the offence, so that the appellee might be able to defend himself. From this statement he could not afterwards vary without risk of failure. The extent of the jurisdiction of the local court to determine matters of this kind is a difficult question, but this may be said, that all appeals involving pleas of the Crown must be determined by the King's justices, and in such cases the appeal when duly commenced in the local court must be adjourned to them to be presented by the jurors on the coming of the eyre. All questions involving a possible conviction for felony were so adjourned. Then arises the question, what was a "felony"? I cannot do better than make another quotation.[1]

"This word, expressive to the common ear of all that was most hateful to God and man, was soon in England and Normandy a general name for the worst, the utterly 'bootless' crimes. In later days technical learning collected around it and gave rise to complications, insomuch that to define a felony became impossible; one could do no more than to enumerate the felonies. But if we place ourselves in the first years of the thirteenth century, some broad statements seem possible. (i) A felony is a crime which can be prosecuted by an appeal, that is to say, by an accusation in which the accuser must, as a general rule, offer battle. (ii) The felon's lands go to his lord or to the King, and his chattels are confiscated. (iii) The felon forfeits life or member. (iv) If a man accused of felony flies, he can be outlawed. Conversely, every crime that can be prosecuted by appeal, and every crime that causes a loss of both lands and goods, and every crime for which a man shall lose life or member, and every crime for which a fugitive can be outlawed, is a felony. We thus define felony by its legal effects; any definition that would turn on the quality of the crime is unattainable. We may see however that in Bracton's day the word imparts a certain gravity in the harm done and a certain wickedness in the doer of it. The justices have been compelled to set limits to the 'appeal of felony,' for sometimes not only the accuser, but the

[1] "Hist. English Law," Vol II, pp. 464–8

accused also will be desirous of using for the settlement of trivial disputes a process which sanctifies a good open fight in the presence of a distinguished company. 'Wickedly and in felony you struck the dust from my cap!'—if, says Bracton, an appellor speaks thus, the justices must quash the appeal, although the appellee wishes to deny the charge 'by his body.' In the department of violence to the person a line is drawn between the wound and the bruise; 'blind blows,' which neither break bone nor draw blood are no sufficient foundation for a charge of felony. But the word is also being used to signify the moral guilt which deserves a punishment of the highest order. Homicide by felony is frequently contrasted with homicide by misadventure, homicide by self-defence, and homicide committed by one who is of unsound mind . . . By the process which we have endeavoured to trace a certain group of crimes, comprising homicide, mayhem, wounding, false imprisonment, arson, rape, robbery, burglary and larceny was broadly marked off from all minor offences. They were all felonies and unemendable crime, which deserved a judgment 'of life or member,' they worked a disherison."

The mode of trial of such cases in the earlier days of our period was the duel. If a man were not beyond the age for fighting, 60 years, or mayhemed, in which case he had to go to the ordeal, so long as this was part of the recognised machinery of justice, the appellor must offer to deraign by his body, and the appellee must similarly offer to defend. The appeal was informal without such an offer.[1] If the appellor were a woman, of course she could not offer to fight. In such a case the appellee was tried by the country. In later days when Bracton wrote, the appellor could either defend by his body or put himself upon the country. The latter practice had crept in by degrees. At first the jury was allowed to determine some matter of exception to the appeal, not the substantive question of guilt or innocence. The appellee pleaded an *alibi*, or that the appeal was instigated by hate and spite.[2] In such cases as these the truth or converse of the plea was tried by a jury. Finally, the whole question came to be one proper for determination by the country, and with the change we find a growing tendency on the part of the justices to discourage the private appeal. They quashed appeals on slight grounds, and often on grounds which are not apparent upon the record, and having so got rid of them, proceeded to try the persons charged on what was practically the suit of the King himself. A culprit was not to escape merely because the appeal failed in form. For the preservation of order and the keeping of the King's peace the charge must be inquired into.[2] So by degrees the appeal of the individual becomes superseded by the indictment of

[1] Bract., fo. 142b.

[2] No. 929 is a good example of such a case.

the country, but the procedure was not finally abolished until the Statute 59 Geo. III, c. 46 was passed, consequent upon the proceedings in Ashford *v.* Thornton, the last appeal of murder ever brought. Thornton, who was suspected of murder, was tried and acquitted at the Warwick assizes. After this, in November, 1818, an appeal of the old kind was brought by the brother of the dead woman. Thornton pleaded not guilty, and offered to defend by his body, and taking off a glove specially made for the occasion, threw it upon the floor of the court. There was argument as to Thornton's right to defend in this way, but in the end the court decided, as the result of the authorities, that Thornton was within his rights to wage his body. However, the appellor was not inclined to fight, and so the duel never took place, and when Thornton was arraigned, he pleaded *autrefois acquit*, and was discharged. More will be found on the subject of the appeal in the notes upon particular cases in this volume.

There was another way in which criminals were occasionally brought to justice. I refer to the case, of which there are some examples in this book, where a convicted or confessed offender has turned approver in the hope of saving his own neck. In such a case it lay with the King, if he thought fit, to make a bargain with the approver that he should be saved harmless in life and limb, provided he should rid the country, by battle, trial or flight, of a certain agreed number of other malefactors. The approver confessed his crime before the coroners, who recorded the confession, and he then proceeded to charge with some felony or other the required number. They must have been persons known to him, for if he could not recognise them when brought face to face before the justices, he failed in his attempt. If the accused person was a lawful man, in frankpledge, and had a lord who would warrant him, he might put himself upon the country, and if acquitted the approver went to his doom. If, on the other hand, the person accused was not in tithing, and had no lord who would warrant him, he sank to the social level of the approver, and could not put himself upon the country. His only defence then was to fight. If the accused sought to escape the charge by flight, he was outlawed at the suit of the King without any other suit. When the approver and accused were confronted before the justices, the former made his accusation. He had to repeat his story without any variation, and offer to prove it by his body, as the court should direct. Then the accused defended, or denied, word for word, whatever was imputed to him, and if he could not claim the benefit of trial by the country, he had to offer to fight. The court then ordered the approver to find sureties to deraign, and the accuser likewise to defend, and they were ordered to come on a given day armed. On the appointed day the parties entered the lists, and the accused, taking the accuser by the hand, swore thus:

"Hear ye this, thou man whom I hold by the hand, and who callest thyself A by name of baptism, I am not a thief"—or according to the accusation—"so may God, etc." In his turn the approver swore: "Hear this, thou man whom I hold by the hand, who callest thyself B by name of baptism, that thou art perjured, because thou art a thief," again repeating the accusation, "so may God, etc." Then the duel proceeded. If the accused were vanquished, and cried "craven," he was condemned, and the approver repeated the process with another, and so on. If however the latter found his match, and was beaten before the stars appeared, the King kept his side of the bargain and hanged him. Sometimes I think he had another chance, but if so it was a matter of favour. It was important to get rid of rogues. But the successful combatant nevertheless did not escape entirely. He had to find sureties by reason of the suspicion caused by the accusation. If he could not, he had to go to prison or to abjure the realm. Again, if the approver died before he had finished his duels or was beaten in one of them, the accused who had not yet had their chance of fighting him were nevertheless objects of suspicion, and so bound to find sureties or abjure the realm. If the approver fulfilled his bargain to the letter, he had his life and limbs, but he was not allowed to remain within the realm, even if he could find sureties.[1] There is a very interesting little contemporary picture of a judicial combat between an approver and an accused on a fragment of an assize roll of the time of Henry III; the precise date is uncertain. It depicts one Walter Bloweberme the approver fighting Hamo le Stare, whom he had accused of complicity in theft at Winchester. Hamo was beaten, and the picture shows him upon the gallows in the background. The picture was probably drawn by the clerk who saw the fight. He shows the parties armed with weapons like a miner's pick, and provided with rectangular shields. The drawing has been reproduced by a wood cut by Madox ("Hist. of the Exchequer," Ed. 1769. Vol. I, p. 551), but a much better copy by photography is given as a frontispiece to "Select Pleas of the Crown" (Seld. Soc.).

If a person was under suspicion or accusation, the obvious way to escape trouble and possible conviction was to run away, and this, to judge from the rolls of the time, seems to have been the course generally adopted. For the number of criminals actually tried and hanged, it is surprising how many escaped. Many seem to have run away in panic, lest the result of some accident should bring them into trouble, and for less sufficient reasons. They generally came back, we may suppose, particularly when, as often happened, the justices gave them leave. But the greater number absented themselves for good.

[1] See Bracton, fo. 152—fo. 153b.

What then could be done? If they had been attached previously to their flight, their pledges were amerced for not producing them. If they were in frankpledge, their tithing had to pay. But for the fugitive himself there was only outlawry. The justices are told that Richard killed John and fled. They answer, let him be exacted and outlawed, let him be proclaimed, that is, at five succcessive county courts, or four if the first formal calling be not counted, and if he does not come in, declare him an outlaw. "*Caput gereret lupinum*, let him bear the wolf's head, this was the sentence of the county court,"[1] or sometimes the justices will direct that the offender be "treated as outlawed." Why it should be sometimes "let him be exacted and outlawed," at others "let him be treated as outlawed," is not apparent, but we have several instances.[2] Outlawry was a procedure that was in constant use in the county court as a means to compel appearance of the accused upon a pending appeal. All appeals, it will be remembered, were commenced in the county court. If the defendant did not come, he was promptly exacted until he did. The consequences of outlawry were not light. If the outlaw could be captured and taken before the justices, he went to the gallows without further proof than of the fact of outlawry. His property, if he had any, was forfeited, the chattels to the Crown, the land to his lord, subject to the King's right to it for a year and a day and to waste it. If he resisted capture, he might be killed with impunity. Still, if a man preferred his life and limbs to everything else, he had a good chance to keep them safe and sound. The country was wild and thinly populated. True, a man outlawed in one place was an outlaw everywhere, but the arm of the sheriff was not long enough to stretch beyond the boundaries of his shire. A boy under the age of twelve could not be outlawed, nor could a woman, because neither could be in law, that is, in frankpledge or tithing. But a woman could be waived and left derelict—a waif whom no man would warrant or prince protect.[3]

If a felon were overtaken by his pursuers with the evidences of his crime upon him he might be killed if he resisted capture. If he were taken he was in little better case. The local court would give him short shrift, and he could not be heard in his defence. Two men were so taken for burglary, and were hanged by the hundred court of Cheddar (No. 785). The King's justices however were inclined to discourage this species of self help. We have a case in which four thieves were beheaded by their pursuers after they were taken, and the justices exacted a heavy fine (No. 990).

[1] Bract., fo. 125b and fo. 128, "Select Pleas of the Crown" (Seld. Soc.), pl. 47.
[2] See Nos. 147, 177, 194, 240, 258. No. 189 is such a case after return of a person who had abjured the realm
[3] Bract., fo. 125b.

It often happened, however, that a fugitive did not get clean away; the hue and cry may have been too close upon his heels; he may have become an object of suspicion in the new country traversed by him, or for many other reasons he may have been driven to take sanctuary. Any church would afford him a refuge, and once inside he would be safe for a time. The four neighbouring townships, if they did their duty, surrounded the building to prevent his escape, and sent for a coroner. The latter came and parleyed with the fugitive. If the latter confessed himself guilty, it was open to him there and then to take an oath to quit the realm and never to return. He was then allowed to leave for the port of departure, which in early days he seems to have selected for himself; later on the coroner assigned the port.[1] Dover was the port most commonly used. After taking the oath at the church gate he had to begin his journey. He bore in his hand a wooden cross, "the warrant of the holy church," and so barefooted, bare-headed, ungirt and clothed only in his coat[2] he was compelled to travel by the direct highway, never to leave it except to seek shelter for the night, and never to spend two nights in the same place. If he left the highway he ran the risk of being pursued, treated as an outlaw, and perhaps beheaded on the spot.[3] Arrived at his port his duty was to embark at once. If there were no vessel ready to sail he should, each day, wade into the sea to his knees, or to his neck, to show his inability to get across. If he had to rest for a night his sleep must be on the beach. If he could not quit the realm within the allotted time fresh sanctuary had to be sought.[4] His property was confiscated, and if he returned from abroad he was treated as an outlaw. "Walter the fair haired abjured the land of our lord the King in the time of King John for the death of Robert the basket-maker. He afterwards returned, and abode in the vill of Stineleg. The township knew of this, and did not take him; therefore it is in mercy. Let him be dealt with as if outlawed" (No. 189). We see further that the township was fined a mark for this (No. 383). The King took Walter's chattels valued at 2 marks, and if he had not fled, Walter would have been hanged.

If the fugitive would neither confess nor leave the church it seems that he had forty days allowed him for re-consideration. During this time the four townships no doubt had still to keep their watch[5] night

[1] Dr. Gross says that since the latter part of the reign of Edward I the coroners assigned the port. In this volume, however, we have such a case in Henry III. See No. 804.

[2] See Britton, fo. 25b.

[3] See "Select Coroners' Rolls" (Seld. Soc.), pp. 37 and 76.

[4] Réville, p. 18.

[5] See "Select Coroners' Rolls" (Seld. Soc.), p. 86–7. "Select Pleas of the Crown" (*ibid.*), pl. 135, where the Abbot of Bordesley came with his monks and actually carried off the fugitive, disguised by a cowl, through the watching townsmen, who were in the King's mercy accordingly.

and day, and we can imagine the grumbling. If at the expiration of the period of grace he was still obdurate he could not be dragged forth. The lay hand could not profane the holy place. It would be "*horribile et nefandum*," as Bracton says.[1] It was argued that he ought to be starved into submission. This was Bracton's recommendation, but even this was resented by the ecclesiastics. Bracton also thought, clerk as he was, that the ordinary or the parson of the church might well help the lay court and eject him.[2] Writing later Britton says[3] that a felon might remain in sanctuary for forty days from the day of the coroner's coming to him. If he abode longer he could not abjure, and after the forty days no one should give him meat or drink or have any communication with him. Anyone who gave him food was the King's enemy.[4] Notwithstanding Bracton's holy horror at the possibility of violation of sanctuary, fugitives were not unfrequently dragged forth by the lay hand.[5]

The clergy were not considered to be within the practice. The English prelates complained to Henry III. that clerks were compelled to abjure, and he promised to put an end to the abuse. The reason why the clergy declined the apparent advantage seems plain. A clerk was subject only to the ecclesiastical court for his felony, a court which never punished by loss of life or limb, so nothing was to be gained in this respect by abjuration. Again, to confess to the coroner and be sworn by him would imply a recognition of the lay tribunal that no cleric could bring himself to concede.

The subject of the "abjuration of the realm" has been discussed by M. André Réville in a paper[6] to which reference has already been made. He considers it to be of Anglo-Saxon rather than Norman origin and to have been the logical development of the unquestionably Saxon process of outlawry coupled with the right to sanctuary common to all Christian people. To be an outlaw meant banishment from the then haunts of men, to impassable forests and marshlands. True, the King could not exact an oath from the outlaw never to return. That was not possible by the nature of the case. The return could only be guarded against by the sanction of swift and inevitable punishment of death. But when the King had the fugitive in his power, within the consecrated place, he could impose his own terms; and while in deference to the sanctity of the refuge he spared life and limb, he exacted the oath of abjuration in return.

It is not necessary, for the purpose of this Introduction, to dwell upon the development or changes in the practice of much later times. Suffice it to say that Henry VIII., while retaining the ancient forms and ceremonies, discontinued the practice of banishing the criminal without

[1] fo. 136. [2] *Ibid.* [3] ff. 25 and 26. [4] Fleta, fo. 45.
[5] See Réville, pp. 29–31. [6] "Revue Historique," Vol. 50, p. 1.

the realm, and instead consigned him to some specified place within the kingdom where he should dwell under constant supervision and subject to severe restrictions. In Westminster the name of the "sanctuary" lingers to this day. Whitefriars and the Savoy were long known as sanctuaries with evil reputation. By a later statute of the same King the inconvenience of these centres of criminal life was fully recognised and the privileges of sanctuaries such as the above-named were abolished, leaving only as refuges consecrated churches and the like with the churchyards adjoining. But as these places could not be used as permanent abodes, seven places of refuge for life for evildoers were appointed. They were Manchester and York for the north, Norwich for the east, Wells and Launceston for the west, and Northampton and Derby for the central parts of the kingdom. Only twenty criminals could be harboured at one time in each. If a place was full the man was passed on to another.[1] The practice of abjuration was abolished by Parliament in 1623–4.

Incidental reference has been made to the practice of presenting cases of death by misadventure and to the custom of Englishry as some of the means of replenishing the royal exchequer. Let us now consider these matters somewhat in detail, for they form no inconsiderable part of our record of the pleas of the crown.

The chief function of the four county coroners was to hold inquests upon the bodies of persons who had met their deaths by violence or misadventure. Their bodies could not lawfully be buried until the coroner had held his view. If a man were killed in a house or elsewhere, or a dead body were found it was the duty of the finder to raise the hue. The coroner was summoned, and on his coming he convened a jury of the four, five, or six[2] neighbouring townships with whom he inquired minutely into all the circumstances. If the person was feloniously slain he caused the suspected killer to be arrested and his chattels appraised, after which they were delivered to the township for safe custody against the next coming of the justices. If the death was due to misadventure the first finder was attached by pledges to be before the justices. If, however, the person accidentally killed lived long enough to receive the last rites of the church it does not seem to have been the practice to attach the finders, presumably because he would then have an opportunity of exculpating them.[3] But this was not all. Granted that the man had died by accident, still there may have been a "bane" or slayer. His horse may have thrown him, his cart or millwheel may have crushed him, or a tree may have fallen upon him; he may have been scalded in a cauldron or have been drowned from a

[1] See Réville, pp. 34–38.
[2] Bract., fo. 121b.
[3] See Gross, "Select Coroners' Rolls" (Seld. Soc.), p. xxv.

boat—all these things, animate or inanimate, must be appraised and delivered to some one for safe custody until the justices come, generally to the township, or several townships, or even to the head of the tithing of the dead man (No. 836). Ultimately the King will take their value as deodands, perhaps to give to some holy use, perhaps and more often not. The deodand, which survived as part of the law of England until 1846, is a singular survival from primitive times. There seems to have been an idea that the thing which caused the death ought to be punished, or that in this way the owner of the thing was punished for the evil wrought by his chattel.[1] We are told that "a thing was not a deodand unless it could be said '*movere ad mortem.*' If a man was thrown from his horse against a tree, the horse was deodand, but not the trunk. It seemed to be the better opinion that if a man watering his horse fell and was drowned, the horse was not a deodand unless he had thrown his master."[2] But we do not find trace of these refinements in the pleas before us, unless No. 875, where a man overcome by cold fell from his horse and died, could be said to be a case in point. The horse was not a deodand. On the other hand, in No. 1031 a man fell from an oak tree and was killed, and the oak was a deodand. The following are a few of the many deodands to be found in these pleas :— A horse from which a clerk fell (No. 775), two horses and the pillory of the Templars which the former dragged over on to a boy (No. 798), boats (Nos. 802, 876), a cauldron (No. 803), millwheels (Nos. 863, 918 and 926), a mare and a cart from which a man fell (No. 883), a cart, the oxen which drew it and the geese carried (No. 891), a mare and her pack from which a man fell (No. 892), horses from which men were drowned (Nos. 897 and 1005), oxen and a cart laden with a millstone (No. 914), oxen and a cart with its load of crop (No. 1006), a door which crushed a man (No. 1003), a boar pig which killed a boy (No. 1039).

In cases of death by violence, and in Somersetshire amongst other counties, also in cases of death by misadventure, it was further the duty of the coroner, as the King's officer, not to lose an opportunity of recovering the *murdrum*, or murder fine which the district could only escape by a proper presentment of Englishry. This was a fruitful source of revenue. How common these fines were in the rough days of the 13th century a glance through the pleas of the crown in the assize rolls suffices to show. It is usual to describe the "*murdrum*" as a fine imposed upon a district for the secret killing of a person. Glanvill speaks of secret killing, and Bracton states[3] that the fine was not imposed

[1] See as to this "Hist. of English Law," Vol. II., p. 470; "Hist. of the Criminal Law," Vol. III., p. 77.

[2] Sir J. Fitzjames Stephen, "Hist. of the Criminal Law," Vol. III., p. 77.

[3] fo. 135.

where the killer was known. Sir J. Fitzjames Stephen[1] has also clearly expressed the same view. Even if this were so in very early days, it certainly would be inaccurate as a full statement of the practice during the 13th century. There are many recorded cases of the infliction of the fine where the slayer was known.[2] Upon the roll of the Gloucestershire Eyre in 1221 there is an entry that Geoffry son of Ralph killed Serlo and was taken.[3] He was committed by the justices to his tithing. Afterwards he put himself in the church, confessed the deed and abjured the realm. The entry concludes "*Englescheria non est presentata quia captus fuit.*" On the same roll, memb. 16,[4] we are told that Thomas Bunting killed Ralph the smith and fled to the church and abjured the realm, yet here the murder fine was inflicted, no Englishry being presented. The only difference between the two cases seems to be that one was taken and the other was not. Bracton refers to the time of Cnut for the origin of the practice. Whether he was right or not as to this we have in the *Leges Edwardi Confessoris*[5]—not a very respectable authority—the statement that when Cnut had become established in England and had sent home the greater part of his army of invasion at the request of the English magnates, the latter guaranteed the safety of such of the Danes as remained. Thus if any Englishman killed a Dane and could not justify himself by the ordeal, justice was to be done upon him. If he fled, the township had a month and a day to seek him, and if it failed to find him and deliver him to justice it was fined 46 marks, 40 of which went to the King. What the township could not pay of this fine the hundred had to make good. It seems that if within a year the murderer was delivered to justice the fine was returnable. The *Leges Willelmi Conquestoris* varied the practice somewhat. The Frenchman, the "*Francus homo*," was substituted for the Dane. If he were killed and the men of the visne did not take the killer within a week they forfeited 46 marks.[6] The King further enjoined that if any Norman or Frenchman was slain his lord should have the killer within a certain time; if he failed he should forfeit 46 marks, and what of this he could not pay should be made good by the hundred in which the murder was done.[7] The *Leges Henrici Primi*[8] deal with the subject more in detail:—If the slayer of the Frenchman or Norman or man from beyond the sea was not

[1] "Hist. of Criminal Law," Vol. III., p. 36.
[2] See "Select Pleas of the Crown," Seld. Soc., Nos. 55 and 127. Also No. 1042 in this volume where the slayer was convicted, and No. 744 where he was not only known but hanged.
[3] Memb. 14. See "Gloucestershire Pleas," pl. 219.
[4] *Ibid.*, pl. 303.
[5] Schmid, "Die Gesetze der Angelsachsen," 2nd Ed., pp. 449, 500.
[6] I, 22. See Schmid, p. 339.
[7] III, 3. See Schmid, p. 354.
[8] 91 and 92. Schmid, p. 486–7.

given up to justice within 7 days the old fine of 46 marks was imposed, of which 40 went to the King and 6 to the relatives of the slain. The responsibility for the fine was fixed by the place of the deed. If it occurred in a house the owner had to pay, the hundred making up the deficiency. If in the open fields, the hundred was responsible : if in the King's highway, the owner of the adjacent land. The man slain was taken to be a Frenchman unless the contrary was proved ; this might be done by the oath of the twelve best men of the hundred. There is much more on the subject in these Laws, but enough has been extracted for the present purpose.

Gradually the practice became largely controlled by custom. Some counties, especially in the north, were not liable to the fine, and even in others particular districts were exempt. In Worcestershire, the covert of Malvern forest was a case in point.[1] That part of Gloucestershire which lies west of the Severn enjoyed a similar immunity.[2]

The liability to the fine could only be escaped by proof in the prescribed manner that the person slain was English. This was the "presentment of Englishry." The presentment was made to the local court or the coroner, and in turn presented to the justices when they next came into the county. I have collected in an Appendix the practice of various counties as to this custom. The list is not exhaustive, but it is fairly complete, and the variations in the practice are interesting. It will be noticed that in some counties the fine was levied in cases of death by misadventure as well as of homicide. This was so in Somerset, Berkshire, Bedfordshire, Kent, Northampton, Essex, Herefordshire and Oxfordshire. In Devonshire it was declared that no fine was exacted in the case of persons drowned in the sea ; but this, although not elsewhere expressed, was probably the case in all counties. Custom did not run upon the sea. The Statute of Marlborough (52 Hen. III.), however, overruled this custom of exacting the fine in cases of misadventure which had become intolerable by reason of the great number of deaths through famine. The presentment was made in various ways : sometimes by two, one on the father's side and one on the mother's ; sometimes by two on each side, or by two on one side and one on the other. Occasionally women could not present, as in Gloucestershire. In Somerset it could not be presented in the case of a woman and, although not so stated expressly until the time of Edward I., in case of young boys under twelve years of age. In Nos. 935 and 937, where no fine was imposed, the age of the children, seven years, is recorded. The roll of 8 Edward I., referred to in the Appendix, shows that the entry in roll No. 756 of the custom of presentment was erroneous, and so the whole county had to stand to judgment

[1] "Select Pleas of the Crown," Seld. Soc., Nos. 128 and 131.
[2] "Gloucestershire Pleas," Maitland, No. 1221, p. 30.

for its blunder. In Devon presentment in the case of boys could only be made where the age was at least seven years. In Essex Englishry could only be presented in respect of males, and not then if the victim were under three years of age. In Hampshire he must have been of the age of twelve at least. In some counties it could be presented in respect of both men and women. In Dorset the custom was regulated by the King's charter, which, however, I have not been able to find.

In some counties the rolls state expressly that Englishry was not presented. In such cases it is generally assumed that there is equally no liability to the murder fine. But is this quite clear? True it is that the Yorkshire roll referred to in the Appendix has "No Englishry is presented in this county, therefore no murder fine," and that it contains entries such as this—a man is killed, not known by whom, "therefore nothing." But the Warwickshire rolls, to which reference is made, speak the other way—"Be it known that in this county Englishry is not presented, therefore murder," and rolls Nos. 952, 954 and 956, which contain such entries, include many instances of the imposition of the fine. These contradictory propositions suggest the need for a more extended investigation of the rolls of various counties than I have been able to make. Another question may be asked, If Englishry could not be presented in the case of the death of a woman or of a person under a certain age, is it clear that no *murdrum* could be exacted? In other words, did the scope of the rule as to presentment limit the cases in which the murder fine could be imposed? The entries in this volume, No. 935 and No. 937, appear to answer the question in the affirmative.

As already stated, the presentment of Englishry was made in the local court or to the coroners, and when the justices came into the county the jurors of the hundred in their turn presented the presentment upon their roll. If they blundered they were fined.[1] If the persons who made the presentment untruly represented themselves to be relatives of the victim, they, too, were fined, and the presentment was null and void.[2]

When the fine was imposed who were liable to pay it? We are almost invariably told that it fell upon the hundred. But this, again, is inaccurate. I think that perhaps the true answer is that it was borne by the district, whether manor, vill or hundred, which was represented before the justices by a separate body of jurors.

In the Warwickshire rolls we find many instances of such fines being imposed upon districts other than hundreds. In roll No. 952 we have "no Englishry, etc.; *murdrum* on the vill of Stanley *quia non participat cum hundredo*" (m. 39); "*murdrum* upon Wylnehal *eo quod*

[1] See Nos. 833, 844, 859, 1042 and 1096.
[2] See Nos. 844, 859 and 1042.

non participat cum hundredo" (m. 37d). Similarly with Ebstan (m. 37) and Coventry (m. 37). In the hundred of Kineton we have "*murdrum* on the vill of Great Compton *quia non participat cum hundredo*" (m. 34). In roll No. 954 there is a record of judgment "*murdrum super manerium de Staunle*" (m. 59). In roll No. 956, on m. 46, we find this entry:— "*adhuc de hundredo de Knyttel'* (Knightlow); *villata de Stanley venit per xij jur. Quondam ignotus inventus fuit occisus, etc. etc. Judm. murdrum supervillatam de Stanley* (Stoneleigh) *eo quod non participat cum hundredo.*" On the same roll (m. 34d) are like entries affecting the vill of "Eton" and "Pollesworth," and many other entries to the same effect could be pointed out. In this volume, however, (No. 774) we find the township of Banwell charged, and it did not appear separately from the hundred. The same observation applies to Dunden (No. 886). Here, again, further inquiry seems to be invited. Apparently free men were not liable to contribute to the fine. In one of the Phillips MSS. of Bracton (No. 3510, fo. 36d), quoted by the authors of the "History of English Law" (Vol. I., p. 534, note 4), a note from the early years of the fourteenth century says that when the county is fined for false judgment "*tunc soli liberi homines per quos judicia talia redduntur divites et pauperes pro aequalibus portionibus contribuunt, nullo modo disenarii*, i.e. *custumarii*"; but "*soli custumarii et non liberi homines*" pay the murder fine.

The "Presentment of Englishry" was abolished by statute 14 Edw. III. st. i. c. 4 (A.D. 1340), but Dr. Gross has pointed out[1] that the practice nevertheless survived for some time after that date.

Passing now from the Crown business of the eyre it is necessary to say something of the proceedings on the civil side. Much cannot be said here. The limits necessarily set upon this Introduction will not permit of more than very general and elementary statement, and, moreover, any attempt to deal with the intricate details of thirteenth century procedure would be to task the patience of the reader beyond endurance. Here and there throughout this volume notes have been supplied to many pleas which seemed to call for some such explanation. It will, it is hoped, be sufficient here to give, in as simple and untechnical a form as possible, some account of the principal forms of assizes, or actions to be met with upon the rolls. The word "assize" has many meanings, and it is necessary to bear them in mind. Sometimes we find it used as meaning an ordinance, an enactment, as for example the assize of Clarendon, the assize of the Forest or the assize of Arms. It also meant a jury, as in the case of the "grand assize," or the assize which "comes to recognise" or to declare the truth upon some question of fact in a form of action which in itself was termed an "assize," such

[1] See "Select Coroners' Rolls," Seld. Soc., p. xliii.

as the assize of novel disseisin or the assize of mort d'ancestor. Occasionally it describes the visit of the justices (see No. 1343). We read frequently of the assizes of wine, bread and cloth as indicating the regulations under which those articles were to be sold, and, lastly, the "rent of assize," meaning a fixed or determined as opposed to a variable rent, is not unknown in these days.

We may naturally expect to find that the greater part of the civil business upon these early rolls related to land, and we shall not be wrong. Of these actions by far the commonest were the two lesser assizes of novel disseisin and mort d'ancestor, which with the assize *utrum* and the assize of darrein presentment constituted the group of petty assizes introduced by Henry II. They all possessed certain features in common. In the first place they were all possessory actions. The question to be determined in each, as we shall see, was a question of fact, the possession of a party. No question of right was involved; that had to be determined, if need be, by another proceeding. Next the question was to be answered, not in the old way by battle or compurgation, but by the answer of twelve recognitors sworn for the purpose who spoke from their knowledge of the facts. This introduction of the inquest into real actions was one of the most important changes introduced by the King, and unquestionably it had a profound effect upon the development of our legal system. Proof by recognitors in the possessory actions by the recognitors of the grand assize in proprietary actions rapidly led to the use of the jury in other cases. Proof by battle lingered with us as part of our law, as we have seen, until 1819;[1] proof by compurgation or oath-helpers survived even until 1833,[2] but from the date of the ordinances of Henry II. they were gradually pushed into the background.

The assize of novel disseisin, excogitated and invented, as Bracton tells us,[3] after many vigils, was the remedy of one who had been disseised of his land "unjustly and without judgment." A is in possession of land, we need not consider whether rightfully or not; B disseises him, say by turning him out of his house, by taking his crops, by excluding him from his common, or in other way, of his own motion and without any judgment authorising him; what is A to do? If A acts promptly—and there is a good deal of quaint learning in the books as to what is promptitude and what is not[4]—he may in his turn eject B. If, however, he delays, and so is taken to have sat down under the injury, to be "patient" under the disseisin, there is nothing for him but the King's assize. If under such circumstances he try to help himself, and succeeds, the original disseisor may even have his right of action against him, because the disseisee in his turn has disseised

[1] 59 Geo. III., c. 46.
[2] 3 & 4 Will. IV., c. 42, s. 13.
[3] fo. 164b.
[4] See Bract., fo. 163 *et seq.*

"without judgment." The writ which A will seek will state the complaint that B has unjustly and without judgment disseised A since a certain date, the prescribed period of limitation which varied from time to time, and enjoined the sheriff to cause twelve free and lawful men of the neighbourhood to view the place, and that he should summon them to be before the justices to make the recognition, to declare the fact. The proceedings will be summary. B will not be allowed any essoin—that is, any of the excuses allowed in other proceedings for non-attendance on the appointed day. If he fail to appear the assize will be taken in his absence. If A succeeds he will have his seisin again, if need be with the help of the sheriff. The duty of the jurors, as fixed by the writ, was to answer the main question, Has there been a disseisin without judgment? But a defendant might take some exception, raise some special plea why the assize should not proceed—why the simple question raised by the writ should not be answered by a plain "yes" or "no." In this way different questions of fact might be raised which by consent of the parties were submitted to the jurors. The assize was then turned into a jury, as the phrase was, and the distinction between the *assisa* and *jurata* was not unimportant. The former might be attainted by the process of conviction, by an appeal we might not quite accurately call it in our modern language; the latter could not because the parties had put themselves upon it and had agreed to be bound by its finding.

The disseisin complained of, to give the court jurisdiction, must have been novel, that is to say it must have happened within the period of imitation from time to time fixed by royal ordinance. The form of writ given in Glanvill[1] assigns the King's last crossing to Normandy as the limit. In 2 John (A.D. 1200) "since Michaelmas next before the coronation of King John" is mentioned.[2] In 3 John (A.D. 1201) the second coronation of King Richard was substituted.[3] In 4 and 5 John (A.D. 1202–4) we find since "the coronation of our lord the King at Canterbury."[4] In 21 Hen. III. (A.D. 1236–7) the King's first crossing into Gascony, or according to the best evidence, into Britanny in 1230 was the prescribed limit.[5] In 3 Edw. I. (A.D. 1275) the period was again altered to the first crossing of Henry III. into Gascony, assumed to be in 1242. This date limited the assize of novel disseisin until the time of Henry VIII.[6] Only occasionally do we find the period of limitation

[1] Bk. 13, chap. 33.
[2] "Select Civil Pleas," No. 4.
[3] See No. 6 in this Vol., and Nos. 185 and 197 in "Select Civil Pleas" (Seld. Soc.).
[4] "Select Civil Pleas," Nos. 179 and 236.
[5] See "Bracton's Note Book," Vol. III., p. 230, where the ordinance is given. It corresponds with what is generally known as cap. 8 of the Statute of Merton.
[6] St. of Westm. I., c. 39; "Hist. of English Law," Vol. II., p. 51 note.

expressly mentioned upon the rolls. As a rule the clerk expresses it by a compendious "etc."

The assize of mort d'ancestor was the remedy of the heir of one who has died seised, otherwise, of course, than for a life estate. If the ancestor died so seised, whether rightly or wrongly, did not matter, and within the time of limitation, the heir was entitled to seisin as against everybody else, even though someone had legally a better right to the land. Such a right could again only be established by another form of action. The assize of mort d'ancestor concerned itself merely with possession. This form of action was only available to an heir who could claim through father, mother, uncle, aunt, brother, or sister. "This restriction of the assize is curious. There can be no principle of jurisprudence involved in the denial of this action to one who is grandson or cousin of the ancestor; a next heir is a next heir however remote he may be. But in the history of our forms of action we have frequently to notice that law begins by providing for common cases, and will often leave uncommon cases unprovided for, even though they fall within an established principle. In this particular instance, however, there is more to be said. The mort d'ancestor is a blow struck at feudalism by a high-handed King. Not only does it draw away business from the seignorial courts, but it strikes directly at those lords who for one reason or another are apt to seize the land that is left vacant by the death of a tenant. But even a high-handed King must, as the phrase goes, draw the line somewhere, and may have to draw it without much regard for legal logic. About half a century later, after a dispute between the justices and the magnates, the former succeeded in instituting the actions of aiel, besaiel, tresaiel, and cosinage (*de avo*, *de proavo*, *de tritavo*, *de consanguinitate*) as supplements for the assize of mort d'ancestor."[1] These latter actions were not in form like the assizes. They begin with a *Præcipe quod reddat*. The writ upon which the assize of mort d'ancestor was founded directed the sheriff to summon the recognitors to declare whether A the father, or, as the case might be, of the plaintiff was seised in his demesne as of fee of certain land on the day of his death, and whether he died within the period of limitation and whether the plaintiff be his next heir. That was the question or series of questions to be answered by the recognitors. In this action the tenant, or defendant, might essoin himself twice, but not oftener. He might also vouch a warrantor to defend his seisin. The procedure was therefore not quite so summary as that of the assize of novel disseisin. In Glanvill's time the period of limitation was fixed at the first coronation of Henry II. In 21 Hen. III.[2] it was provided that writs of mort d'ancestor should not go behind the last return of King John from Ireland into England, and after the

[1] "Hist. of English Law," Vol. II., pp. 56–7. [2] See *ante*, note 5, p. lxiv.

Statute of Westminster I,[1] the time ran from the coronation of Henry III. Finally it may be said of this action that it would lie in a case where the ancestor under whom the plaintiff claimed was not dead but had assumed the religious habit.[2] This follows from what has been said in the earlier part of this Introduction as to the legal status of persons who have entered religion.

It appears from one of the pleas in this volume (No. 525) that the writ of assize of mort d'ancestor did not run in Bristol. A charter of Henry II was shown by the bailiffs of that town which contained such provision.

The assize *utrum* was introduced a little earlier in point of time than the two assizes discussed above. In 1164 the dispute between church and King as to the jurisdictions of their respective courts in the matter of land was adjusted by the Constitutions of Clarendon.[3] If a contention shall arise between a clerk and a layman concerning any land which the former alleges to be free-alms and the latter asserts to be a lay fee, the fact shall be determined by the voice of twelve recognitors. If they shall answer the land is frankalmoin, then the plea shall go to the ecclesiastical court; if the land be a lay fee, then the King's court shall deal with the cause. Thus the preliminary question in such disputes, the question of jurisdiction, is left to be determined by a body independent of either court—the jurors of the neighbourhood. They declare whether—*utrum*—the tenement be free-alms or lay fee. By this concession the church achieved a position which, however, it could not hold in its entirety. Between the time of Glanvill and that of Bracton the King's court had recovered a large jurisdiction over church lands simply by restricting the use of this form of action. The Constitutions of Clarendon clearly admitted that either layman or clerk could have the writ, but by degrees it was refused to all, whether cleric or lay, who had other remedies for recovery of the land. If a bishop or abbot thought himself entitled to lands which were witholden from him he might have the ordinary writ of right. He could plead that one of his predecessors was seised of it just as could a layman. But the parish parson could not do this. The land he enjoyed was not given originally to the parson and his successors, but to God and the particular church. This was something like the argument. It resolved itself into this—(1) no one can use the assize *utrum* who has the ordinary proprietary remedies for the recovery of the land; (2) all, or almost all, the tenants in frankalmoin, except the rectors of parish churches, have these ordinary remedies; (3) the assize *utrum* is essentially the parson's remedy.[4]

[1] 3 Edward I., cap. 39.
[2] No. 208 in "Select Civil Pleas" (Seld. Soc.) is an instance.
[3] Cap. ix.
[4] See "Hist. of English Law," Vol. I, pp. 226–8.

The last of the group of lesser assizes, the assize of darrein presentment, the *assisa de ultima presentatione*, bore a close analogy to the assize of novel disseisin. It was the remedy of the claimant to possession of an advowson, to the right of presentation to the church, just as the latter action was the remedy of a claimant to the possession of a tenement. In both cases the proprietary right as opposed to the right of possession was determined by other forms of action. As the claimant to a tenement had his writ of right so the claimant to an advowson could prove his legal right to it upon a writ of right of advowson under which his adversary, like the defendant to the writ of right to land, might choose between the duel and the grand assize. On the assize of darrein presentment the analogy to the seisin of the land was the last presentation. The simple question to be answered by the twelve recognitors was, Who presented the last parson who is now dead to the church of such a place which is now vacant and of which A claims the advowson? If the recognitors answered in favour of A he succeeded and could present. He might even have no right on his side. He might have granted away the advowson since the previous presentation; but if the simple question put to the jurors were answered, without more, the question of right would never have arisen. Another action would have to be begun to decide that. Thus it came about very early that exceptions or special pleas were allowed to a defendant upon this assize, exceptions which went in bar of the assize or led to the turning of the assize into a jury to determine some particular question, such for example as the existence of a charter transferring the advowson. After 1217 assizes of darrein presentments were to be decided by the justices of the bench, except when there was a general eyre.[1] This was an exception to the rule that the lesser assizes were taken before the justices of assize.

So much for the possessory actions. Now let us consider the proprietary remedy, the action in which a claimant to a freehold would seek to show his title apart from possession. This was the writ of right. The action was begun in the seignorial court upon a royal writ directed to the lord bidding him to hold the demandant to full right to the tenement which he claimed to hold of the lord by such and such service, and unless the lord did so the sheriff should.[2]

As a rule the action was not there determined. It was easy to remove it to the county court and thence to the King's court. If the tenant chose to put himself upon the grand assize instead of accepting battle the action could only go to the King's court. The demandant's claim to the land was as of his "right and inheritance." He had to allege that he or some ancestor of his was seised during the prescribed

[1] Second Charter of Hen. III., Art. 15.
[2] Glanv., Bk. 12, chap. 3.

period of limitation not only "as of fee," but "as of right," and he must offer battle by himself or by some champion who, theoretically, must be able to testify to such seisin of his own knowledge or from what his father had told him. The tenant, that is the name for the defendant, may deny the demandant's case and put himself upon the duel or upon the King's grand assize. If the latter the recognitors will decide which of the two parties has the greater right to the land. In course of time it became possible for the tenant to put in some exception, or special plea to the suit. The period of limitation was fixed in 1236 as the time of Henry II.[1] Prior to that year the time of Henry I. limited the period since which seisin must be proved.

The grand assize, to which reference has so often been made above, was another of the inventions of Henry II. In addition to his direction that no one should be compelled to answer for his freehold without a royal writ,[2] he decreed that in a proprietary action for a free tenement the tenant might have the action removed to the royal court and might have the whole question of right determined by the answer of twelve recognitors of the neighbourhood. This was the grand assize the virtues of which were so highly extolled by Glanvill.[3] By means of this royal boon, he says, the risks of the duel are avoided, there is less delay because there are fewer essoins, it is better to have the oaths of twelve men than the testimony of one in the duel, and so on. A boon it was no doubt to defending parties, to the people in possession of the land. It was not so much of a boon to the claimant. So soon as a tenant had put himself upon the grand assize he sued out a writ of peace to stay the proceedings in the lord's court. Thenceforward the plea proceeded in the court of the King.

There was another class of actions, which occupied an intermediate position between the indubitably possessory assizes and the indubitably proprietary writ of right. "The basis for this superstructure is found in the simple writ of *Praecipe quod reddat*, which is the commencement of a proprietary action that is to take place from the first in the King's court. That writ bids the tenant give up the land which the demandant claims, or appear in court to answer why he has not done so. All the new writs have this in common, that they add some definite suggestion of a recent flaw in the tenant's title. This they do by the phrase '*in quam terram non habuit ingressum nisi.*' The tenant, it is alleged, had no entry into the land except in a certain mode, which mode will be described in the writ, and is one incapable of giving him a good title. The object of this formula is to preclude the tenant from that mere general denial of the demandant's title which would be appro-

[1] *ante*, note 5, p. lxiv.
[2] See Glanv., Bk. 12, chap. 2 and 25.
[3] Bk. 2, chap. 7.

priate in a writ of right and to force him to answer a certain question about his own title—'Did you or did you not come to the land in the manner that I have suggested?' If the tenant denies the suggestion, then here is a question of fact that ought to be sent to the jury."[1] These were the writs of entry of which there are many examples in this book. One of them was the writ of entry sur disseisin, a supplement to the assize of novel disseisin to meet the case of change of circumstances by death of a party or feoffment by a disseisor. This was always regarded as a possessory action. But what of the others? Were they to be treated as possessory or as proprietary or as a mixture of both? Suffice it to say different men held different opinions.

If a person, after being duly summoned, failed to appear up to the fourth day after that fixed for the return of the writ, he became liable to punishment as a defaulter or to process of one kind or another to compel his appearance on some future day, unless he could present some sufficient excuse or essoin, as it was called. The practice of essoining is treated minutely and at great length by Bracton, and was of vast importance in the judicial proceedings of the time. The procedure was exceedingly complicated, so much so that it would be a hopeless task to deal with it in this place. Those who may desire a more intimate acquaintance with the subject will find it concisely summarised in Reeves' "History of the English Law."[2] A very few words must suffice for our present purpose. One common excuse for non-appearance was being *in servitio regis*—on the service of the King—generally testified by a writ or mandate of the King himself. Another, and perhaps the commonest of all, was the essoin *de malo veniendi*, of some bodily infirmity occurring on the way to the court. Essoins were also allowed for unavoidable detention on the road, such as a flood, a broken bridge, and the like, and these causes of non-appearance were frequently accepted under the essoin *de malo veniendi*.[3] A person might also be essoined as beyond the seas, a special form of excuse which was controlled by rules peculiar to itself. Again, a man might be on a pilgrimage to St. James of Compostella, or to the Holy Land. Or he might plead sickness confining him to his bed. This was the essoin *de malo lecti*. It was much more solemn business than the other essoins. If a party claimed it, and it was generally only allowed in proceedings under a writ of right, in the proprietary as opposed to the possessory action, the justices sent four knights to view the sick man and to see whether he was really so infirm as he claimed to be. If he were not, the knights were instructed to give him a day for appearance before the

[1] "Hist. of English Law," Vo'. II., p. 63.
[2] Ed. W. F. Finlason, Vol. I, pp. 402–409.
[3] See Britton, liv. vi, ch. 6.

justices; if he were, they ordered him to appear at some appointed place, usually the Tower of London, a year and day from the time of making the view. At the Tower or other appointed place he would be given another and short day for appearance before the court. If the essoin *de malo lecti* were duly allowed the person so excused could not venture beyond his house during the time allowed him under pain, if found abroad, of being arrested by his opponent and of losing his land as a defaulter for breaking his essoin. We may well imagine how close a prisoner he might often be kept by an adversary incensed by the delay of his suit. Last, there was the excuse of vill-sickness, where the party had reached the court and had appeared, but before any answer to the suit, had been taken ill in the town where the court sat and was unable to attend. His duty was to send every day for four days two different messengers to the court, and on the fourth day the justices sent to him four knights to accept an attorney from him "to gain or to lose."

The excuse was presented to the justices by a person sent for the purpose, the essoiner, who declared the facts and pledged his faith that his principal would come at some future day and warrant the truth of the essoin by his oath. An infant could not essoin himself, because he could not swear or warrant the essoin. Nor were essoins allowed in all cases. None lay on the assize of novel disseisin, nor after the person's land had been taken into the King's hand for default, nor for one whose presence the sheriff had been ordered to enforce. In many other cases an excuse for non-appearance was not allowed.

The time allowed to an excused person varied. Apparently he could not have less than fifteen days; but upon the simple essoin *de ultra mare* there was a delay of forty days at least, and one ebb and one flood of the tide. If the party was in some very distant place, as in Gascony or in Spain, the time might be extended in the discretion of the justices. For a simple pilgrimage to the Holy Land a year and day was the usual period. For what was called a "general passage" thither the plea remained *sine die*. This latter privilege was granted to those who were *cruce signati*, and it seems to have been allowed in consequence of a papal decree which declared that until death or actual return of such persons all their property should remain entire and untouched.

As an illustration of the manner in which the system of essoining worked in practice I may refer to the proceedings between John le Rus and Robert de Columbariis. John had commenced his action to recover three carucates of land in Lamyet by writ of right at Westminster. The date does not appear, but we find that Robert essoined himself *de malo veniendi* at Cambridge on the quindene of Michaelmas, 1247. He was excused until the octave of St. Martin, when he

was to appear at Huntingdon. Apparently he had already demanded a view of the land claimed; in other words had required John to point out on the spot the land he claimed, and that the view had been had (No. 1337). When the justices came to Huntingdon Robert was not there. He sent to say that he was sick in bed in Dorsetshire, and claimed an essoin *de malo lecti*. The justices did what was usual—sent four knights to look at him in his house, and if they did not find him confined to his bed he was bidden to attend at Chelmsford on the octave of the Purification (No. 1344). The knights found him in the condition alleged, and gave him an extension of time for a year and a day from the date of their inspection, St. Agatha's Day, and they rode to Hertford to report the fact to the justices on the Sunday after Easter, 1248 (No. 1347). Robert had then a good respite. We next hear of him at the Tower of London, where he arrived to satisfy the conditions of his excuse. But it was a serious question whether he had not come a day too late. He relied on the fact that it was leap year. The constable referred the question to the justices at Winchester, and there the matter was argued soon after Hilary, 1248–9 (No. 1376). Robert was not exhausted yet. At Wilton he managed to get further time until one month after Easter (No. 1385), and a still further day was given to the morrow of Trinity (No. 1391). By this time, however, the King had been approached, probably by John, with the result that the justices were ordered to remit the whole of the proceedings to the King at Westminster, and the parties were told that they must be there on the quindene of Michaelmas (No. 1395). They seem, however, to have had enough of litigation. Before the day fixed for their appearance at Westminster they compromised the dispute. John got his land and more, and he paid Robert £200. This was not an exceptional case. It is true that more indulgence was allowed in respect of time where a question of right as opposed to one of mere seisin was to be determined. But writs of right were pretty common. It is not difficult to imagine the trouble and hard riding these adjournments from county to county must have occasioned to all concerned; and, it is to be observed that we find no mention of costs awarded to a party, unless No. 1464 can be said to be such a case.

Of "fines," or agreements between parties for the compromise of their suits, very little need be said. They are very numerous in this volume, and most of them can he traced to the "feet of fines" which have been translated and published in an earlier volume by the Somerset Record Society. But some do not appear there, and I have found that, as a rule, where the substance of the compromise was stated upon the rolls of the court, no corresponding foot of fine is to be found. As some examples Nos. 602, 644, 653, 713, and 1505

may be cited. I am not aware that this practice has been previously observed upon. It would seem now that a search for a particular fine through the files of feet of fines may not always be sufficient. If it be not found in the usual place it would appear that the rolls of the justices should also be examined. In this volume we find mention of a fine levied in an inferior court, that of John, Count of Mortain, afterwards King of England (No. 293).

It is a matter for some regret that it is not possible accurately to compare the value of money in the 13th century with that of the present day. When we see that a man was amerced to the extent of 1 mark we can hardly do more than guess what the equivalent for the 13*s.* 4*d.* would be in money of our day. It is at best misleading to say that money was worth then so many times more than it is now. The difficulty is to find a trustworthy standard of comparison. The prices of commodities fluctuated for a variety of reasons. The price of gold itself was liable to rise and fall at short intervals, and it depended much on local circumstances. The currency of the time of Henry III was, with but very trifling exception, a silver currency. Let us convert some prices of that period into their equivalents of pure silver, and again convert the latter into equivalents of modern money. The penny of Henry III contained 20·62 of our troy grains of pure silver. The modern shilling weighs 87·27 grains, of which 80·73 grains are of pure silver. From 1261 to 1270 the average price of wheat was 1167·89 grains of pure silver, or 4*s.* 8½*d.* per quarter.[1] This quantity of silver would suffice for coining 14*s.* 6*d.*, nearly, of our currency. Again, between 1260 and 1270, the average cost of a good wether was 1*s.* 4*d.*, or 329·92 grains of pure silver, which would be the standard allowance for 4*s.* of to-day. From 1259 to 1269 the average price of an ox was 9*s.* 10*d.*, a sum equivalent to 2433·16 grains of pure silver, which would suffice now for the coining of a small fraction over 30*s.* It is clear that comparisons such as these do not help us. They show that in each case the then value of the commodity was about one-third of the modern equivalent in weight of pure silver, but the present values of the three things selected are much higher and do not bear the like proportionate resemblances. Probably, for our purpose it will be better to compare the amount of the amercement with actual prices of the times. Thus we see that if a man were amerced a mark, or 13*s.* 4*d.*, he would be fined to an equivalent of nearly three quarters of wheat, of ten wethers, or of nearly an ox and a-half. Finally, if we compare wages, we find that if the man amerced were a carpenter his fine would be equivalent to nearly forty-six days'

[1] Thorold Rogers, "History of Agriculture and Prices," Vol. I.

wages of $3\frac{1}{2}d.$ per day. If he were a mason his fine would equal sixty-four days' wages of $2\frac{1}{2}d.$ per day.[1]

Not much is to be gleaned from these rolls which would throw light upon the then condition of the county. We may safely assume, I think, that the eastern parts were more populated and more advanced than those towards the west. Much more civil business comes before the justices from the former than from the latter. We also hear much less of crime as we go westward. It is perhaps too much to assume that the western folk were more law-abiding. The probability is that they were, if anything, wilder and rougher, because further removed from civilizing influences. It may be that little or nothing was heard of many criminal acts beyond the confines of the far-off vills, and so escaped presentment by the hundredors. There must have been a great temptation to keep things quiet, and so save a twenty or thirty mile ride or walk for the coroner, or the officer of the sheriff.

If we may draw an inference from the large number of cases involving questions of common of pasture and the importance evidently attached to such rights, however small, we may perhaps assume that Somerset was then, as now, a grazing county. We see some evidence of flooded lands about the Huntspill district and of precautions taken against such troubles. We hear of a dyke said to have been raised by common assent of the county against inundation (No. 1452), also of land at Edington so covered by water that a view could not be made (No. 1468).

A study of the names of persons will show that surnames in the modern sense were uncommon. Most of the "quality" were known by the affix of a place name to their surnames, but many knights even were known only by their christian names. William son of Warin, and Roges son of Simon are instances. In the next generation we hear of Sir Simon Roges. A word of caution may not be out of place here. It must not be taken for granted that several persons having the same place affix were necessarily of the same family. The people in a lower condition of life were often described by their trades or occupations, but we find amongst this class some distinct surnames and not a few nicknames—"Hastevilain," "Stoneithewall," "Swete by the bone," "Bindevill," "Godesblescinge," "Goseberd," are instances of the latter. No. 999 shows the development of the surname. "John le Neweman," probably a new comer into the vill, is also called "John Neweman of Sutton." Neweman will become our Newman in time, and pass from father to son.

The rolls themselves call for a few words. Unlike the Patent and Close Rolls, which are bands of parchment often of great length, made

[1] These rates of wages are taken from "History of Agriculture and Prices," Vol. I, p. 315.

by stitching the top of one membrane to the foot of its predecessor, the rolls of the courts of Common Law are merely groups of membranes attached together at the heads. The plate prefixed to this volume shows one such membrane full size. The original is in exceedingly good condition, and the writing is distinct and legible. It must not be supposed that all the rolls are so well written or so well preserved as this example.

In this volume the use of dots thus, ... indicates that something is quite illegible or is wanting by destruction of the parchment. Words within square brackets [ ] are not in the original, but are suggested by me as necessary or useful to the sense. Where passages are obscure or where it is otherwise expedient to give the original Latin the extracts are enclosed within curved brackets ( ). Marginal entries are referred to in the footnotes wherever they are more than common form, or repetitions of something in the pleas. The spelling of proper names of persons and places has been followed literally, except that christian names have been anglicized and the names of a few places such as Winchester and Bath have been modernised. It would perhaps have been better to have continued to use the original u in the names of persons and places instead of substituting v therefor. It is conceivable that some inaccuracy may have crept in in consequence, but I am not aware of any.

In conclusion, I may say that I am conscious that the work is not free from imperfections. The materials have been but rough-hewn from the great quarry. They are now, it is hoped, available for the more refined handling of others, and may perhaps help to the better understanding of early English history.

C. E. H. C. H.

APPENDIX A.

The Hundreds of Somerset.

(Page xxviii.)

This table shows to some extent the changes which were made in the hundredal divisions of the county. It comprises lists of the hundreds in 1084, in 1225, and 1242–3 (Henry III.), in 1280 (Edw. I.), and at the present time. The names of the hundreds alone are taken as a guide; no attempt is made to trace geographical identity.

In A.D. 1084.[1]	*Roll No.* 755, A.D. 1225.	*Roll No.* 756, A.D. 1242–3.	*Roll No.* 759, A.D. 1280.	*Modern: from Collinson.*
Abediccha ...	Abbedik... ..	Abbedik... ...	Abbedick ...	Abdick and Bulston.
Andretesfelt ...	Andredesfeld' ...	Andredesfeld ...	Andretlesfeld ...	Andersfield.
Bada	Bath	Bath	Bath forinsecum	Bath forum.
Betministra ...	Bedministre ..	Bedministr' ...	(app. as Manor).	
Bimastana ...	Bernestan' ..	Bednestane ...	Bnestan	Bemstone.
Bolestana ...	Bulestan' ...	Bulestan... ...	Bulstanne ...	(above).
Briwetona ...	Briwton'... ...	Bruyton'... ...	Breuton	Bruton.
Brunetona.				
Cainesham ...	Keynesham ...	Keynesham ...	Keynesham ...	Keynsham.
Cantetona ...	Kantinton ...	Caninton ...	Kanynton ...	Cannington.
Carentona ...	Karenton ...	Karemtun' ...	Karhempton ...	Carhampton.
Cetdre	... ...	Ceddre.	(app. as Borough).	
Chinesmoresdone	Kinemeredun ..	Kinmersdon ...	Kynemeresdon ...	Kilmersdon.
Condecoma.				
Crucha	Cruk'	Cruk'	Cruke	Crewkerne.
Cui	Chiw	Chyu	Cheu	Chew.
Ciwetona ...	Chiwton' ...	Chyuton... ...	Chyutone ...	Chewton.
Cungresberia ...	... ...	(app. as Manor).	(app. as Manor).	
Froma	Frome	Frome	Frome	Frome.
Givela	... ...	... ...	... ...	(below).
Harecliva ...	Hareclive ...	Hareclive ...	Hareclyve ...	Hareclive cum Bedminster.
Hareturna ...	Harethurn ..	Horethyrne ...	Horthurne ...	Horethorne.
Hunesberge[2] ...	Hundesburg ..	Hundesbergh ...	Hundesberwe ...	Houndsborough, Berwick and Coker.
Hunespilla ...	... ...	... ...	Honespill ...	Huntspill cum Puriton.
Lieget or Liet *alias* Cochra.	Kokre	Coker	Koker	(above).
Lochesleia.				
Manehefva.				
Mertoche ...	Mertok	Merttok... ...	Mertok	Martock.
Milvertona ...	Milvertone ...	Milverton ...	Mulvertone ...	Milverton.

[1] Compiled from Eyton, "Somerset Domesday." It is not clear that this list is exhaustive; I give it therefore with all reserve.

[2] *Quære*, part of Givela at this date, together with Hundesbere and Tintehelle.

THE HUNDRED OF SOMERSET—*continued.*

In A.D. 1084.[1]	*Roll No.* 755, A.D. 1225.	*Roll No.* 756, A.D. 1242–3.	*Roll No.* 759, A.D. 1280.	*Modern: from Collinson.*
Nortchori ...	Norhtcur' ...	Nortkuri... ...	Northcurey ...	Curry North.
Nortpedret ...	Norhtperiton' ...	Norperton ...	Northperton ...	North Petherton.
Pipeministra.				
Pitney	... ...	... ...	... ...	Pitney.
Porberia	Portburi... ...	Porebir'	Portebyr ...	Portbury.
Ringoltdeswea.				
Stane[2]	Stanes	La Stane ...	Stane	Stone and Yeovil.
Sudbrent... ...	Brente (see No. 220)	(app. as Manor? see No. 1063).	(app. as Manor).	Brent cum Wrington.
Sumbretone ...	Sumerton ...	Sumerton' ...	Sumertone forinsecum.	Somerton.
Sutperetona ...	Sutperton' ...	Superton' ...	Suthperetone	South Petherton.
Tantona	Tanton	Taunton... ...	Taunton... ...	Taunton and Taunton Dean.
Tintehelle[2] ...	Tintelhill ...	Tintehull ...	Tyntenhull ...	Tintinhull.
Torleberga.				
Wellewe	Wellewe... ...	Welwe	Welewe	Wellow.
Willetona ...	Wileton'... ...	Wyleton... ...	Wyliton... ...	Williton Freemanors
Winesfort ...	... ...	(app. as Manor).	(app. as Manor).	
Winestoc... ...	Wintestok ...	Wynterstok ...	Wynterstok ...	Winterstoke.
Witestana ...	Whitstan' ...	Whytston ...	Whytstane ...	Whitstone.
Bp. Giso's land, called by Mr. Eyton "the Bishop's hundred," included—				
Cingesberia ...	Kingesbir' ...	Kingesbir ...	Kyngesbyr ...	Kingsbury, East and West.
Walintone ...	(with Lidyard) ...	Welinton ..	Wellington.	
Welle	Welles	Well'	Wells forinsecum	Wells Forum.
Jatton	Jatton	Yhatton	Yattone.	
Wyvelescome...	(with Lidyard).			
	Banewell (see No. 385).			
	Bruneland ...	(app. as Manor)	(app. as Manor).	
	Catthesasse ...	Catessasse ...	Catetesesshe ...	Catash.
	Dulverton ...	Dulverton.	(app. as Manor).	
	Lidyard.			
	Norton	Norton	Norton	Norton Ferrers.
	Witheleg ...	Whytelegh' ...	Whytele... ...	Whitley.
	Wrington.			
		Melles.		
				Glaston 12 hides.

[1] Compiled from Eyton, "Somerset Domesday." It is not clear that this list is exhaustive; give it therefore with all reserve.

[2] *Quære*, part of Givela at this date, together with Hundesbere and Tintehelle.

APPENDIX B.

Customs of Englishry.

(Page lx.)

The following "customs" presented by the counties named are taken from eyre rolls, all of which date from the reign of Henry III. except where otherwise stated. The Latin has been extended.

Bedfordshire: "*Englescheria presentatur in isto comitatu per unum ex parte patris et unum ex parte matris et tantummodo de masculis, et presentatur tam de infortuniis quam de murdris.*" Assize Roll, No. 4, m. 26.

Berkshire: "*Coronatores presentant quod Englescheria presentatur in isto comitatu per unum ex parte patris et alium ex parte matris et tam de mare quam de femina dum modo femina sit majoris etatis quam de xij^{cim} annis et tam de infortuniis quam de murdris.*" Assize Roll, No. 37, m. 28. "*Englescheria presentatur in isto comitatu tam de masculis quam de feminibus et de omni etate per unum ex parte patris et unum ex parte matris, et similiter tam de infortuniis quam de murdris.*" Assize Roll, No. 38, m. 22.

Cornwall: "*Totus comitatus recordatur quod nulla Englescheria presentatur in comitatu isto nec umquam presentata fuit neque de feloniis nec de infortuniis.*" Assize Roll, No. 111, m. 22 (12 Edw. I.).

Devonshire: "*Englescheria presentatur in isto comitatu per duos ex parte patris et duos ex parte matris tam de infortuniis quam de feloniis set de femina non presentatur nec de aliquo submerso in mari nec de aliquo infra septem annos.*" Assize Roll, No. 176, m. 28.

Dorsetshire: "*Totus comitatus recordatur quod Englescheria presentatur in comitatu isto per duos ex parte patris et duos ex parte matris et tantummodo de masculis et de etate duodecim annorum et amplius de feloniis tantum per concessionem quam dominus rex fecit eidem comitatui.*" Assize Roll, No. 202, m. 20.

Essex: "*Comitatus recordatur quod Englesheria presentatur in comitatu isto per unum ex parte patris et unum ex parte matris, tantummodo de masculo non de femina et tam de infortuniis quam de feloniis, et dicunt quod nulla Englesheria presentatur de pueris infra etatem trium annorum.*" Assize Roll, No. 235, m. 2.

GLOUCESTERSHIRE: "*Et sciendum quod in hoc comitatu debit Englescheria presentari per duos ex parte patris et per unum ex parte matris*" . . . "*Englescheria fuit presentata per quandam feminam ex parte matris et comitatus recordatur quod Englescheria non debet presentari per feminam et ideo murdrum*" . . . "*In hundredo isto (Westbiria) nullum est murdrum quia est ultra Sabrinam.*" . . . "*nullum murdrum quia ultra Sabrinam.*" Assize Roll, No. 271, mm. 10, 12*d*, and 16.

HAMPSHIRE: "*Aenglescheria presentatur in comitatu isto per unum ex parte patris et per alium ex parte matris et tam de infortuniis quam de feloniis, de masculis tamen de etate xij*^{cim} *annorum et amplius.*" Assize Roll, No. 778, m. 35.

HEREFORDSHIRE: "*Englescheria presentatur in comitatu isto per unum ex parte patris et alium ex parte matris tam de masculis quam de feminis, tam de infortuniis quam feloniis.*" Assize Roll, No. 300, m. 22.

KENT: "*Englecheria presentatur in isto comitatu tam ex parte patris quam ex parte matris et per duos ex parte patris et per duos ex parte matris et tam de infortuniis quam de feloniis.*" Assize Roll, No. 361, m. 34.

LEICESTERSHIRE: "*Et sciendum quod totus comitatus Leyc. presentat quod nulla Englescheria presentatur in isto comitatu, immo dicit quod si aliquis inventus fuerit occisus quod ibi est murdrum.*" Assize Roll, No. 455, m. 1.

LINCOLNSHIRE: "*Compertum est per rotulos de ultimo itinere Gilberti de Preston quod totus comitatus alias requisitus fuit coram eo et sociis suis in prefato itinere qualiter Englescheria presentatur in isto comitatu et quod tunc ex parte totius comitatus fuit responsum quod nulla Englescheria presentatur in isto comitatu set bene concessum fuit per totum comitatum quod quotiescunque aliquis inventus fuit occisus et non fuerit notus tunc de consuetudine antiqua et sine interruptione usitata ibi adjudicatur murdrum et hoc tantummodo de masculo et non de feminis.*" Assize Roll, No. 486, m. 1 (9 Edw I.).

MIDDLESEX: "*Sciendum quod Anglescheria presentatur in hoc comitatu per unum ex parte patris et unum ex parte matris et si nullus sic parens ex parte patris tunc per duos ex parte matris et econtrario.*" Assize Roll, No. 536, m. 6.

NORFOLK: "*Presentatur in comitatu isto Englescheria tam de mulieribus quam de masculis et de pueris de aliis hominibus.*" Assize Roll, No. 562, m. 1.

NORTHAMPTONSHIRE: "*Englescheria presentatur in comitatu isto per unum ex parte patris et unum ex parte matris, et sciendum quod Englescheria presentatur in comitatu isto Adeo bene de hominibus qui mortui fuerint per infortunium quam de illis qui fuerint occisi, dum tamen fuerint etatis duodecim annorum vel amplius.*" Assize Roll, No. 614, m. 36. "*Comitatus recordatur quod Englescheria presentatur in comitatu isto per unum ex parte patris et alium ex parte matris et tam de infortuniis quam de feloniis dum tamen sint etatis duodecim annorum.*" Assize Roll, No. 615, m. 1

OXFORD: "*Englecheria presentatur in isto comitatu per unum ex parte patris et alium ex parte matris et presentatur de masculis tantum set de illis presentatur tam de infortuniis quam de aliis.*" Assize Roll, No. 700, m. 1.

SHROPSHIRE: "*Totus comitatus recordatur quod nullum murdrum est in comitatu isto nec Englescheria presentatur nec aliquis est in decenna.*" Assize Roll, No. 734, m. 17.

SOMERSETSHIRE: "*Englescheria presentatur in hoc comitatu per duos ex parte patris et duos ex parte matris tam de infortuniis quam de aliis et de masculis tantum.*" Assize Roll, No. 756, m. 13. "*Totus comitatus recordatur quod Englescheria presentatur in comitatu isto de omnibus feloniis per unum ex parte matris et unum ex parte patris et hoc de masculis tantum ultra etatem duodecim annorum et non infra. Et quia convictum est per rotulos ultimi itineris quod Englescheria presentatur in comitatu isto per duos ex parte patris et duos et parte matris de feloniis et masculis sicut predictum est et quia falso presentaverunt predictum Englescheriam ideo ad judicium de toto comitatu.*" Assize Roll, No. 759, m. 1 (8 Edw. I.).

SUFFOLK: "*Englescheria presentata fuit per duos, scilicet unum ex parte patris et per alium ex parte matris.*" Roll No. 818, m. 46.

SUSSEX: "*Engleseria presentatur in isto comitatu per duos, scilicet per unum ex parte patris et unum ex parte matris.*" Assize Roll, No. 909, m. 20.

WARWICK: "*In hoc comitatu debet Englescheria presentari per duos homines unum ex parte patris et alium ex parte matris.*" Assize Roll, No. 950, m. 1. "*Et sciendum quod Englescheria presentatur in comitatu isto per duos scilicet per unum ex parte patris et alium ex parte matris.*" Assize Roll, No. 951, m. 1. "*In isto comitatu non presentatur Englesheria et ideo murdrum tam de . . . mortuis.*" Assize Roll, No. 952, m. 31*d*. "*Et sciendum quod in comitatu isto non presentatur Englescheria, ideo murdrum.*" Assize Roll, No. 954, m. 48. "*Comitatus recordatur quod nulla Englescheria presentatur in isto comitatu set*

quotienscunque aliquis inventus fuerit occisus et non fuerit notus ibi adjudicatur murdrum et hoc tantummodo de masculis et non de feminis." Assize Roll, No. 956, m. 34 (13 Edw. I.).

WILTSHIRE: "*Englescheria presentatur in hoc comitatu per tres, scilicet per duos ex parte patris et per unum et parte matris.*" Assize Roll, No. 996, m. 23.

WORCESTERSHIRE: "*Englescheria presentata est in isto comitatu tantummodo de masculis scilicet per unum ex parte patris et alium ex parte matris, scilicet de etate duodecim annorum.*" Assize Roll, No. 1022, m. 24.

YORKSHIRE: "*Nulla Englescheria presentatur in hoc comitatu, ideo nullum murdrum.*" Assize Roll, No. 1043, m. 1.

APPENDIX C.

The Sheriffs of Somerset.

For this list of the sheriffs down to the close of the period covered by this volume, I am indebted to the courtesy of Mr. Arthur Hughes of the Public Record Office. The names in italic are those of the under sheriffs.

Date of appointment or of commencing account.	Name.
	Somersetshire only.
Domesday, at Survey.	William de Mohun (p. 86).
,, ,,	Baldwin (p. 93).
	Edward, *ibid.*
	Somersetshire and Dorsetshire.
	Warin.
Mich. 1129	Warin.
	Somersetshire only.
East. 1155	Richard de Monte Alto.
	Somersetshire and Dorsetshire
Mich. 1155	Richard de Raddona.
,, 1157	Warner de Lisoriis.
,, 1161	Robert de Bello Campo.
,, 1163	Gerbert de Perci.
East. 1166	Robert Pucherel or Pukerel.
,, 1170	Alfred de Lincolnia.
Mich. 1175	Robert de Bello Campo.
East. 1182	William de Bendeng.
Mich. 1184	Robert filius Pagani.
,, 1188	Hugh Bardulf.
[Mich. 1189	John, count of Mortain.] (Did not account.)

THE SHERIFFS OF SOMERSET—*continued.*

Date of appointment or of commencing account.		Name
23 Feb.	1194	William earl of Salisbury.
17 Apr.	,,	William de Cahaignis, son of Ralph de Cahaignis
Mich.	,,	*Walter Giffard.*
Mich.	1196	William de Cahaignis, in person.
East.	1197	Peter de Schidimor or Scudimor.
,,	1199	Robert Belet.
,,	,,	*Henry de Stokes.*
Mich.	1200	Hubert de Burgo.
,,	,,	*Alan de Whittona.*
18 Oct.	1204	William de Monte Acuto and Osbert de Stok.
3 Dec.	1207	William Briwere.
Mich.	,,	*Ralph de Bray*, for him.
Xmas.	1209	William Malet.
22 Nov.	1212	Master Richard de Marisco, archdeacon of Northumberland.
Mich.	1213	*Roger de Pealton.*
24 Jan.	1214	William de Harecurt.
Xmas.	1213	*Richard Pipard.*
Mich.	1214	*Richard de Harecurt.*
27 Apr.	1215	Ralph de Bray.
26 June	1216	Peter de Maulay, or Malo Lacu.
		SOMERSETSHIRE ONLY.
14 Mar.	1217	William earl of Salisbury.
		SOMERSETSHIRE AND DORSETSHIRE.
Mich.	1217	Peter de Maulay.
20 Nov.	1221	Roger de Forda, or de la Forde.
Mich.	,,	*Ranulph Clericus.*
	1222	Roger de la Forde (died in office).

THE SHERIFFS OF SOMERSET—*continued.*

Date of appointment or of commencing account.		Name.
		SOMERSETSHIRE ONLY.
1 Feb.	1223	John Russell.
Xmas.	1222	*Ralph Russel.*
30 Dec.	1223	Joscelin, bishop of Bath.
Xmas.	„	*Luke Russel.*
East.	1225	*William de Sorewell.*
		SOMERSETSHIRE AND DORSETSHIRE.
22 June	1226	William filius Henrici (accounts from Michaelmas for Somersetshire).
10 Nov.	1228	Thomas de Cyrencestria.
Mich.	1230	*Henry de Campo Florido.*
11 July	1232	Peter de Rivall (did not account).
		Henry de Campo Florido (for Thomas de Cyrencestria).
Mich.	„	Thomas de Cyrencestria, in person.
19 Apr.	1233	Henry filius Nicolai.
28 May	1234	Thomas de Cyrencestria.
East.	„	*Henry de Campo Florum.*
Mich.	„	Thomas de Cyrencestria, in person.
18 Dec.	1237	Richard de Langford.
Xmas.	1238	Herbert filius Mathei.
Mids.	1239	Jordan Oliver.
Mich.	1240	Hugh de Vivonia.
28 Apr.	1249	Godfrey de Schidemor (did not account).
26 Nov.	„	Bartholomew Petch.
26 May	1250	Henry de Erleg, Ernlega, or Dernlega.
21 Oct.	1251	Elias de Rabayn.
Mich.	1254	*Walter de Burges.*
7 July	1255	John de Aure.
27 Oct.	„	Stephen de Ashton, or Hassetona.
5 Oct.	1257	Walter de Burges.

ADDENDA ET CORRIGENDA.

p. 1. *For* "York" *read* "Yorkshire"; and (line 18) *for* "forensic" *read* "forinsec."

No. 10. *For* "virtage" *read* "virgate."

31, note 1. In Jan. 9 Henry III, the King, ordered the sheriff to make inquest concerning the gaoler of Ilchester, his wife and family, who had betaken themselves to the church because a number of prisoners had escaped from the gaol and had also taken sanctuary. The sheriff was to inquire how far the gaoler and his wife and family were guilty of abetting the escape. The King's order was that the prisoners who had escaped should abjure the realm "according to the custom of England."—2 "Rot. Claus.," p. 13b.

p. 54, *n.* [2]. *For* "Ewdes" *read* "Eudes."

p. 57, note. *For* "St. Geogre" *read* "St. George."

No. 192. *For* "son" *read* "sons."

No. 326. *For* "Herbert" *read* "Henry."

No. 346 and No. 808. *For* "Lunel" *read* "Luvel."

No. 355. *The name here should be* "de Vivone."

No. 382 (*a*). *This should read* "upon the common summons," *that is, the general summons to attend the eyre.*

p. 111, notes 2 and 3. *For* "*no* ÷" *read* "*nō* ÷."

No. 420*m*. "Angevin" *in place of* "Augevin."

No. 489. *Substitute* "essoiner" *for* "essoniator."

No. 565. *For* "Stant" *read* "Stant'."

No. 602. *For* "forensic" *read* "forinsec."

No. 757. *For* "gardiner" *read* "gardener."

No. 771 and No. 949. *For* "presentation" *read* "presentment."

No. 821. *Substitute* "inquest" *for* "inquiry."

No. 826. *For* "ospitali" *read* "ospitati."

No. 985, last line. *For* "when" *read* "where."

No. 996. *For* "Andrew de Munford" *read* "Alexander de Munford."

No. 1025, line 1. *For* "he" *read* "de."

No. 1191, last line. *For* "it is" *read* "they are."

No. 1256. "son" *should read* "daughter."

No. 1286. It is well perhaps to state that the names "Robert Martin" and "Robert Luveny" in this plea are so in the roll. There has evidently been some alteration in the entry, for "Luveny" is written over an erasure.

p. 362, line 6. *For* "Foute" *read* "Fonte."

p. 372, note 5. *Add* "or rye."

No. 1486, line 3 from bottom]. *For* "his" *substitute* "her."

SOMERSETSHIRE PLEAS.

ROLL No. 1039. (YORK.)

THE date of this roll is uncertain, and, to judge from the various indorsements made upon it in later times, the uncertainty has existed for centuries. The calendar at present in use assigns it to the time of John. There would seem to be good ground to believe that this collection of six membranes has been made up from parts of separate rolls of differing dates. The two membranes which now form the last in the roll would seem to be of earlier date than the rest, possibly of the time of Richard I, to which period the compiler of the "Placitorum Abbreviatio" seems to have thought it belonged. He has written "Ric. I" at the foot of one of these two membranes. The remaining four membranes may be of the time of Richard or John. On Memb. 1 there is a plea of novel disseisin by the Abbot of Egleston against Philip, Bishop of Durham. Philip of Poictiers was elected Bishop in 1195, and died in 1208. These dates will therefore fix the extreme limits of this, the later, portion of the roll. The statement that the pleas were taken before Geoffry Fitz Peter does not help us. He was a justice under both kings. The roll contains civil pleas, pleas of the crown, and forensic pleas, from which last only the matter from Somerset is extracted.

Memb. 4d.

1. William Dacus is summoned to be before our lord the King to show by what warrant he holds rents and lands of our lady the Queen, mother of our lord the King, and that he should have [with him] his warranty and the arrears of the rents which he owes to our lady the Queen. And William comes and says that the land which he holds he holds as his inheritance (*de*

ancestria), and he confesses that at one time he held tenements of our lady the Queen, but . . . the Queen was pleased to give the fee and the services which he was bound to render to her for that fee to two of her servants, to wit Geoffry de Peiters and William son of Reginald, to whom he afterwards did his service by Geoffry de Wauci etc. steward of our lady the Queen who attorned him to do his service to them and to hold of them and to them he always afterwards did his service so that nothing remains in arrear of that which he is bound to do to them. And Nicholas de Wiltesir' comes and says that as to part of the service William was attorned to the aforesaid Geoffry and William and as to part to him Nicholas and to Humphrey the clerk, to whom he never afterwards did service and that he was attorned to them up to the day and term ; this he shows. And William defends that he never was attorned to him Nicholas and to him Humphrey of any service. A day is given them to hear judgment before the King on the morrow of mid-lent.

ROLL No. 1171. (DIVERS COUNTIES.)

This roll consists of fifteen membranes, that is of so many strips of parchment, some of which are joined by stitching apparently of the date of the roll. The numeration is modern. Thus, each of membranes 3 and 12 consists of two pieces. Memb. 1 is filled on both sides with essoins and bears the heading " Essoins taken at Launceston on Monday next after the feast of St. Barnabas the Apostle to wit in the octave thereof." This helps us to the year. The feast of St. Barnabas in 1201 was on Monday, 11th June, the octave falling on Monday, 18th June (3 John), 1201. Membs. 2 to 11 inclusive contain the record of the Cornish Eyre, from which Prof. Maitland has made selections in his volume of the Selden Society's publications (Vol. 1, " Select Pleas of the Crown," pp. 1 to 8). At the foot of Memb. 3 is the following :— " Cornish roll of the Eyre of Simon de Pateshull, and . . . berg and their fellows made in the year of King J . ." Memb. 4 is headed—" Assizes taken at Launceston on Monday next before the feast of St. John the Baptist (*i.e.*, on Monday, 18th June, if in 1201), before S. de Pateshull and E. de Faulconberg and their fellows." At the head of Memb. 6 appears " Before Eustace de Faulconberg." Memb. 9 bears the heading—" Pleas taken at Launceston by Richard

Fleming, John de Briwer', John son of Richard." The backs of Membs. 9, 10, and 11 are blank. Both sides of Memb. 12 are filled with pleas and assizes of Dorset, Somerset, and Cornwall, taken at Taunton. Memb. 13 is devoted to essoins, and its back is blank. Memb. 14 and part of Memb. 15 contain pleas of the crown taken by the King himself, and Memb. 15 concludes with a list of amercements. The titles which are written on Membs. 12 to 15 appear in their proper places in the following translation of all the entries relating to the county of Somerset contained in the roll.

It is well perhaps to condescend to these details, because it has been doubted whether the whole of this roll can be said with certainty to be of the 3rd year of John, a date which has been assigned to it by an endorsement in a more modern hand, and which is certainly correct as to part of the roll. Prof. Maitland, who has also made some selections from the pleas taken at Wells ("Select Pleas of the Crown," pp. 75–80), says: "The date of these cases is somewhat uncertain. They occur at the end of a Cornish Eyre roll of A.R. 3, Coram Rege Roll No. 9, and are said to have been heard coram rege on Thursday next after St. George's day. It does not appear from Hardy's Itinerary that John was ever at Wells soon after St. George's day (23 April). In A.R. 14 he was there on the Thursday next after *St. Gregory's* day, and to write Georgii in mistake for Gregorii would be easy; but these cases apparently belong to an earlier time, for Hubert de Burgh seems sheriff for Somerset and Dorset, and Ralph Morin, of Devon. Perhaps they belong to A.R. 2; in that year John was at Exeter on the 22nd, and at Tewkesbury on the 30th April, and his way between those places would take him through Wells" (p. 75, note 4.) The King came to Exeter from Bridport and Dorchester, and this fact would seem to be important when considered with the very faint and indistinct writing at the foot of Memb. 12*d*, to the effect that the King was himself in eyre, in Somerset and Dorset, to which it is possible that Prof. Maitland's attention was not directed. Moreover, the pleas before the King relate to some matters partly in the time of P. de Scudimore, who was succeeded as sheriff by Hubert de Burgh, and partly in the time of the latter. It appears more than probable, therefore, that April, 1201, *i.e.* 2 John, would be the correct date to apply to the pleas before the King at Wells, and that the whole of the proceedings recorded in this roll are covered by the period of a little over two months, between the 28th April (2 John), and 3rd July (3 John), 1201.[1] It must not be assumed, however, that we have here the record of all the judicial business done by the King or by the justices during their respective eyres. The roll

[1] It will be remembered that John's regnal year began with Ascension Day. In 3 John the day fell on 3 May, 1201.

is only an assemblage of such of the membranes of the complete record as time and other destructive agencies have permitted to come down to our time. The entries on Memb. 12 are unquestionably of the 3rd year of John. That is proved by the dates of the fines, to which attention is directed by the footnotes to Nos. 25 and 36. It may pertinently be asked, how comes an endorsement relating to the 2nd regnal year on a membrane devoted to records of the 3rd year? I think that the answer lies in the fact that it was not uncommon to make use of the foot of an unusually long membrane, projecting from the rest, to inscribe a title which would give a clue to contents at a glance without the need of opening the roll.

The entries on Memb. 13 are very careless and confused, in places calling for the exercise of much patience and trial of eyesight to extract what I venture to hope is a fairly accurate rendering of the sense.

Memb. 12.

Remainder of pleas and assizes of Dorset, Somerset, and Cornwall, taken at Taunton . . . on Tuesday next after the octaves of St. John.[1]

2. Matilda de Chandos puts in her place Henry de Columbariis on a plea of land against the Prior of Goclive.[2]

3. Agnes, wife of William de Mora, puts in her place William, her husband, on a plea of assize against Osbert Quarrel.

4. Alvred, the goldsmith, against whom the Abbot of Ford brought an assize of novel disseisin concerning his free tenement in Burkestok',[3] came and confessed the disseisin and restored the Abbot, and Alvred is amerced ½ mark. Pledges: the Abbot of Ford, John . . .

5. The assize comes to recognise whether William, father of Thomas, was seised in his demesne as of fee, on the day he died, of half a hide of land, with the appurtenances, in Kingesdon', etc., which land William le Bastard holds, who vouches to warranty Alice, his wife, whose inheritance the land is. Let him have her at Westminster in the month after Michaelmas. And Thomas gives the King ½ mark for a jury.

6. The assize comes to recognise whether Richard del Estr'[4] unjustly and without judgment disseised Walter del Estr' of his

[1] That is on Tuesday, 3rd July, 3 John, if in 1201.
[2] Goldcliff, co. Monmouth.
[3] This may perhaps be Burstock, co. Dorset.
[4] De Lestra.

free tenement in Bikehal'[1] after the second crowning of King Richard. The jury say that he was disseised of the service of the tenement which Gervase, his brother, held of him. Judgment: let Walter have his seisin and Richard is in mercy. Damages, 3 lbs. of Cumin.

7. The assize comes to recognise whether Hamo, father of William, was seised in his demesne as of fee, on the day he died, of one virgate of land, with the appurtenances, in Candel',[2] which land William Beinin, the tenant, says he does not claim except in custody through Robert de Curtenay, who held the same in custody with the same William, and Robert delivered the custody to him and so he vouches him [Robert] to warranty. Let him have him [Robert] on the next coming of the justices.

8. Robert de Lega, Adam son of Simon, Nicholas de Wateleng, William Purchaz, William de Briton', Mauger de Croft, Reginald de Grenvill', Odo de Duniton', Philip le Saracin and Humphfrey Kael all come except Humphfrey Kael and confess that they swore falsely concerning the lands which Nicholas de Holecumb' claimed against Ralph de Winesham by assize of novel disseisin, because there was a certain plea between them in the court of Joel del Moiun concerning the said land and an agreement was made between them whereby the land should remain to Ralph. And Nicholas defended that there was no plea in such court nor agreement made, and Nicholas de Meriet, Alexander de Luveni, Ralph de Cruket, John de Gardina, William de Stanton', William the falconer (*Austurcarius*), William Quenell', Richard de Knoll', Solomon de Wikeburg, Ralph de Cimroc, Robert de Durevill', Robert de Lambroc', Richard de Avaines, jurors, said that in truth there was a plea between Nicholas and Ralph in the court of Joel touching the one virgate of land with the appurtenances in . . . and the suit between them was discontinued because it was agreed that one-half of the virgate should remain to Ralph and the other half to Nicholas to hold to him and his heirs of Ralph and his heirs, and this Osbert the clerk says in word of truth.

9. The assize comes to recognise whether Robert son of William unjustly and without judgment disseised Raymond de Lambrok' of his free tenement in Lambrok' within the assize.

[1] Bickenhall, which was held by William de Lestra at the time of the Domesday Survey (Inquis. Gheldi).

[2] Candle, co. Dorset.

And Robert came and confessed the disseisin and restored the land to him [Raymond] and he is in mercy. Damages, 4 shillings. Robert's amercement ½ mark. Pledge Richard Marescallus.

10. The assize comes to recognise whether Ralph father of Adam was seised in his demesne as of fee on the day he died of half a virtage of land with its appurtenances in Camele which land Elviva (?) daughter of Golling' holds and she says that she claims nothing in the land except through the Prior of the Hospital of Jerusalem under whom she holds the land but at the pleasure of the Prior who may remove her when he wills. Adam may have a writ against the Prior if he wills.

11. Thomas de Briges offers himself on the fourth day against Richard del Esse and Agnes his wife and Robert Patin on an assize of mort d'ancestor of one virgate of land with its appurtenances in Pockemora and they do not come, or essoin themselves and they were summoned etc. Judgment: resummon them against the next coming of the justices.

12. Walter son of William and Cicely his wife brought an assize of mort d'ancestor against Wandring de Curcell'[1] concerning one acre of meadow and a fourth part of one acre in Bosmode and in Frome and it is not prosecuted, therefore they are in mercy and Henry de Kareville and James de Cur' are his pledges.

13. Thomas son of William and Eva his wife[2] put in their place Roger de la Bruerea against John de Gurnay in the plea of assize to gain or to lose and if Roger is not able to be there Eva puts in her place Thomas her husband.

14. Ralph de Aure, Richard son of Robert, William son of Adam, Milo de Hundeston' sent to Ralph son of Bernard to hear whom he wished to put in his place against Hugh de Grenton' and Sabina and Thomas Burd' and Rohesia his wife and William de Walton' and Amabel his wife on a plea of assize, say that he puts in his place William de Refford' to gain or to lose.[3]

[1] Wandregesil de Curcelles is named in the cartularies of Bruton and Montacute. There was a castle of Courcelles near Gisors.

[2] Thomas, son of William de Harptree and Eva de Gurnay. Her mother Hawise was daughter and heiress of Robert de Gurnay. John de Gurnay, the defendant, may have been a descendant of Robert's younger brother Roger: See Gurnay's "Record of the House of Gournay."

[3] See also No. 19 *infra*, and note to No. 501 on a case of "vill-sickness."

15. Adam de Lambro puts in his place Roger his son against Denise, who was the wife of Hugh, on a plea of dower etc.[1]

16. The assize comes to recognise whether Richard uncle of John was seised in his demesne as of fee on the day he died of a fourth part of one knight's fee with the appurtenances in Hacche etc which Ralph son of Bernard holds, And William his attorney comes and vouches to warranty the Dean of Wells. So let him have him [the Dean] to warrant [him] in the month after Michaelmas at Westminster.[2]

17. Denise, formerly the wife of Hugh Lambroc', [who claimed] her reasonable dower out of the free tenement in Lambroc of Hugh who was her husband, afterwards comes and abandons the writ.[3]

18. Agatha, formerly the wife of Angelinus, offers herself against Eustace de Stok' and Margaret, his wife, on a plea of a third part of the vill of Agelineston',[4] and against Adam de Morton and Matilda, his wife, concerning a third part of the vill of Ticheham, which she claimed against them in dower. And the land was taken[5] into the hand of our lord the King for the default of Eustace, Margaret, and Matilda, and the day of taking was declared, and they were summoned to be at Taunton on the octave of St. John there to reply and show cause. And then they essoined themselves, and they did not seek to replevin the land before, nor did Adam, the husband of Matilda, who was then present, claim it. Therefore it is considered that Agatha should have her seisin by default of the others.

Memb. 12*d.*

19. The assize comes to recognise whether Richard, brother of Sabina, wife of Hugh de Greinton' was seised in his demesne as of fee on the day he died of a fourth part of one knight's fee with the appurtenances in Hache, and whether Sabina be his

[1] See also No. 17 *infra.*
[2] See No. 20 *infra.*
[3] The entry is careless, but this is the sense.
[4] *Quære*, is this Easton in Gordano? Ascelin was under-tenant of Weston in Gordano at the time of the Domesday Survey. "Ticheham" is probably Tickenham, which is close by.
[5] See No. 40 *infra.*

heir, which land Ralph, son of Bernard,[1] holds; and William de Rifford', his attorney, comes and vouches to warranty the Dean and Chapter of Wells; Therefore have them at Westminster to warrant in the month after Michaelmas. And Hugh and Sabina his wife, and William de Walton' and Amabel his wife, and Thomas le Border and Rose his wife, put in their place Thomas and John de Stok' to gain or to lose. And they also put in their place the same against Robert Tortemanis and Henry de Cunteville on a plea of land at Alvrinton.[2]

20. The assize comes to recognise whether Richard, brother of Amabel, wife of William de Walton, was seised in his demesne as of fee on the day he died of a fourth part of one knight's fee with the appurtenances in Heche, which land the same Ralph, son of Bernard, holds. And William, his attorney, comes and vouches to warranty the said Dean. So have him [present] at the time aforesaid.[3]

21. The assize comes to recognise whether Gilbert de Norf', uncle of William, was seised in his demesne as of fee of three ferlings of land with their appurtenances in Hecche on the day, etc., which land Ralph, son of Bernard, holds. And William, his attorney, vouches to warranty [the Dean] at the time aforesaid. Therefore let him have him at the time aforesaid.

22. Hugh de Grenton' and Sabina his wife, and Thomas le Border and Rose his wife, and William de Vauton' and Amabel[4] his wife, seek against Robert Tortemanis one virgate of land with the appurtenances in Alverinton as the right and inheritance of Robert, father of Sabina, Rohesia and Amabel. And Robert came and demanded a view. So let him have a view. A day is given him in the month after Michaelmas at Westminster. In the meantime let the view be had. And be it known that the writ speaks of the same Robert, and of Henry de Cunteville, who essoined himself *de malo veniendi* and that Robert answered of his own free will without any coercion.

23. Assize of mort d'ancestor between Roger de Reinies

[1] No. 21 *infra*. See No. 14 *supra*. The proceedings at Westminster are referred to in "Plac: Abbreviatio," page 33 (Michaelmas, 3 John). The Dean and Chapter pleaded a grant by the Charter of the King himself, and alleged that he ought to warrant them.

[2] Chapel Allerton.

[3] *i.e.*, in the month after Michaelmas at Westminster, No. 19 *supra*.

[4] William and Amabel are doubtless the same people as "William de Walton and Amabel his wife," the plaintiffs in No. 20. The three ladies appear to have been the daughters of Robert Pakerel; see No. 60.

and Emma his wife, demandants, and James son of Gerard, who vouches to warranty Lettice, wife, . . . who came and vouched to warranty William Revel of one hide and one virgate of land with the appurtenances in Hecumbe.[1] No day is given, because William is in the service of our lord the King beyond the seas, [certified] by writ, G. Fitz Peter.

24. The assize comes to recognise whether Hugh Fichet unjustly and without judgment disseised Ingeleis, son of Jordan, of his free tenement in Meriet within the assize.[2] The jurors say that Hugh did disseise him. So it is adjudged that Ingeleis should have his seisin, and Hugh is in mercy for the disseisin. Damages 10*s*., amercement 10*s*. Pledges, Adam de Catenore and Philip de Bureford'.

25. The assize comes to recognise whether Robert Gernun, father of Henry, was seised in his demesne as of fee on the day he died of one virgate of land with the appurtenances in Roda, which land Ranulf Gernun holds, who came and vouched to warranty Isolde his wife. They are agreed.[3]

26. The assize comes to recognise whether Elyas, uncle of Henry de Karevill, was seised in his demesne as of fee on the day he died of one virgate of land with the appurtenances in Lokinton', and whether the same Henry be his heir, which land Beatrice de Karevill' holds, who comes and says that the assize ought not to proceed, because Philip, brother of the same Elyas, and father of Henry, was seised of the land after the death of Elyas,[4] and she puts herself on the jury, and Henry likewise. The jurors say that Philip was so seised after the death of Elyas.[4] Judgment: let Beatrice hold in peace, and Henry is in mercy for false claim.

27. The assize comes to recognise whether Richard Bretasche, father of John, was seised in his demesne as of fee of twelve acres of wood, with the appurtenances, in Trubewel'[5] on the day he

[1] Hescombe.

[2] That is, within the period of limitation fixed for such an assize.

[3] An abstract of the record of this fine, which was levied on Wednesday after the octave of St. John Baptist (4 July, 1201) at Taunton, is to be found in Vol. 6, Som. Record Soc. Pub., p. 18, where, by a slip, "Laurence" has been given for Ranulf. The record has "Rawn" not "Laur." Ralph Morin, Richard Fleming and Stephen de Clay sat as justices with Simon Pateshull and Eustace de Falconberg. See Feet of Fines, Som., 3 John, No. 35. "Roda" is the same place as Road.

[4] In the roll "Philip" is written here; obviously by mistake. Henry was suing as his uncle's heir. He should have claimed under his father.

[5] Nempnet.

died, etc., and whether the same John be his heir, which land Elyas son of William holds. The jury say that Richard died so seised. Judgment: let John have his seisin, and Elyas is in mercy for unjust detention. And be it known that this assize was taken in the absence of Elyas through his default.

28. The assize comes to recognise whether Henry, father of Eva, wife of Thomas de Beroches, was seised in his demesne as of fee of two virgates of land, with the appurtenances, in Sisthamton' on the day when he received the religious habit. And whether Eva be his heir, which land Walter de Sullia holds. The jurors say that Henry was so seised when he received the religious habit. Judgment: let Eva have her seisin, and Walter is in mercy for unjust detention. And be it known that this assize was taken in the absence of Walter through his default.

29. The assize comes to recognise whether Hugh, father of Robert de Osbervill', was seised in his demesne as of fee on the day he died of half a hide of land, with the appurtenances, in Hethevenbigg', which land Ralph son of Bernard, and Richard, his son, hold. And Richard comes and vouches to warranty Richard de Cumbe, who is in the King's service beyond the sea, and therefore the assize remains without a day. And it is testified by the county that Ralph son of Bernard, who does not come or essoin himself, holds nothing in the land.

30. The assize comes to recognise whether Hugh, father of Robert de Osbervill', was seised in his demesne as of fee on the day he died of half a hide of land, with the appurtenances, in Murelente,[1] which land Robert de Cherleton' and Amabel, his wife, hold, who come and vouch to warranty Richard de Cumbe, who is in the service of our lord the King. Therefore the assize remains without a day.

31. The assize comes to recognise whether Hugh, father of Robert de Osbervill', was seised in his demesne as of fee on the day he died of one hide of land, with the appurtenances, in Murilent,[1] which land Albrea, who was the wife of Reginald de Grenton', holds, who comes and vouches to warranty Richard de Cumbe, who is in the service of our lord the King. Therefore the assize remains without a day.

32. The assize of mort d'ancestor between Gilbert son of Baldwin, demandant, and John de Monte Acuto and Isabella,

[1] Moorlinch.

his mother, touching one virgate of land, with the appurtenances, in Hele, remains without a day, because John is in the service of our lord the King beyond the sea.

33. The assize comes to recognise whether Thomas de Deppeford', uncle of Adam de Deppeford', was seised in his demesne as of fee of half a virgate of land, with the appurtenances, in Legh on the day he died, which land William de Grindeham holds. The jurors say that Thomas did not die seised as of fee, but in pledge (*de vadio*), and therefore Adam is in mercy for false claim and William may hold in peace.

34. The assize comes to recognise whether Thomas, father of John de Wlleng, was seised in his demesne as of fee on the day he died of three ferlings of land, with the appurtenances, in Wlleng, which land William de Sancta Fide holds, who comes and vouches to warranty the Dean and Canons of Wells. Let him have them to warranty in the month after Michaelmas at Westminster. The same day is given to the recognitors *in banco*.[1]

35. The assize comes to recognise whether John, uncle of Alice, daughter of Robert Gernun, was seised in his demesne as of fee on the day he died of half a virgate of land, with the appurtenances, in Doniton', which land Thomas de Turbevill' and Adam de Ferag' and Alice, his wife, hold, and because it is testified by the county that Thomas holds nothing in that land, Adam and Alice come and vouch to warranty Robert de Turbevill'. So let them have him on the next coming of the justices. The same day is given to the recognitors. Let the sheriff have the writ. And Alice puts in her place Adam, her husband, to gain or to lose.

36. The assize comes to recognise whether Warner son[2] of Robert was seised in his demesne as of fee on the day he died of one virgate of land and five acres, with the appurtenances, in Chesflod', which land Ralph de Fontibus and Joan his wife, and Angodus de Marisco hold. And Ralph and Joan say that they claim nothing in that land, except as the dower of Joan, and only in the five acres. And so they vouch William Revell to

[1] A day could be given by the justices sitting at Westminster, that is *in banco*, at the bench: See Bract., fos. 352 and 352b.

[2] This, I think, is a mistake for father. It would seem that this plea and No. 37 are two versions of one proceeding. I can only find one record of a fine. See "Somerset Fines," p. 13. The fine was levied at Taunton in the octave of St. John Baptist (1 July, 1201). Ralph and Joan were not parties to it.

warranty, who is in the service of our lord the King beyond the sea, and therefore no day is given. And Angodus holds the one virgate of land, and as to that is in agreement with Robert aforesaid.

37. The assize comes to recognise whether Warner, father of the said Robert, was seised in his demesne as of fee on the day he died of one virgate of land and five acres of land, with the appurtenances, in Sheslede, which land Ralph de Fontibus and Joan his wife, and Angodus de Marisco hold. And Ralph and Joan come and say that they claim nothing in the land except as the dower of Joan, and do not hold other than the five acres of the said land, and so they vouch to warranty William Revell, who is in the service of our lord the King beyond the sea. Therefore no day is given. Ralph, Joan, and Angodus, who holds the one virgate, and the aforesaid Robert are in agreement.[1]

38. The assize comes to recognise whether Thurstan, father of Robert, was seised in his demesne as of fee on the day he died of one virgate and a half of land, with the appurtenances, in Thornton. Gilbert de Port, the tenant, comes and vouches to warranty Baldwin son of Baldwin. And Robert comes and says that he [Gilbert] ought not to have any warranty, because he has no other right or entry except by Thurstan, his [Robert's] father, who delivered [the land] to the aforesaid Gilbert with him Robert to the intent that he [Robert] might marry the daughter of him [Gilbert][2] . . . and thereon he puts himself on the jury, and Gilbert does likewise. The jurors say that Thurstan, father of Robert, was not seised [except] of three ferlings of the land, and that Gilbert had no entry or other right in those three ferlings except as aforesaid. Therefore it is considered that Robert should have his seisin of the three ferlings of land, and Gilbert is in mercy, and may hold in peace the other three ferlings of land.

39. The assize comes to recognise whether Elias de Bechinton unjustly and without judgment disseised Alvred la War' of his free tenement in Dreicot within the assize. The jurors say that he did disseise him. Judgment: let Alvred have his seisin and [Eli]as is in mercy. Damages 14*s.*, amercement 4 marks.[3]

[1] See note to No. 36.
[2] The name is illegible, but "Gilbert" would appear to be the sense.
[3] In the margin—"*in Glouc. manet.*"

40. The sheriff[1] certifies to the justices that he took into the hands of the King on the morrow of St. Barnabas the Apostle . . . vill of Egelingeston' and one third part of the vill of Tichesham which . . . Agatha, wife of Ang[elinus], claimed as her dower against Eustace de Stok' and Margaret his wife, and against Adam de Mordon' and Matilda his wife, for the default of Eustace, Margaret, and Matilda, and it was not claimed within the time, nor did any of them come except Adam . . . [de Mordon']. And therefore it is considered that Agatha should have her seisin.

41. Hamo de War' and Christiana his wife, and Lucy, sister of Christiana, claim against Ralph de Sparkeford' one acre of land, with the appurtenances, in Worth', as the right and inheritance of them, Christiana and Lucy, from Reinfred, their uncle. And Ralph comes and demands a view. A day is given them in one month after Michaelmas, at Westminster, and in the meantime let the view be had. And Ralph puts [in his place] Roger de Weston', and Hamo and Lucy put in their place the said Christiana to gain or to lose.

42. A suit between Guy (*Wido*) de Hostell' and Philippa his wife, demandants, and William de Witefeld' and Matilda his wife . . . [concerning] Philippa's dower, goes without a day because Philippa does not come or essoin herself, nor does Guy, as her attorney, come in her place (partly illegible).

43. Roger de Clar' offers himself against William the falconer (*Austurcarius*) on a plea concerning one virgate of land, with the appurtenances, in Sevenhamton[2] . . . [William does not] come or essoin himself, and he had a day *in banco*, and he demanded a view . . . Therefore it is considered that the land [should he taken into the hands of the] King. And let William be summoned to be at Westminster in one month after Michaelmas . . . Roger puts in his place Milo de Frankevill'.

44. Robert son of Vivian, and Peter de Bristol, and Richard son of Robert, come before the justices and . . . Yvecestr[3] and ten acres of land outside the burgh as the dower of Susanna, who was the wife of Daniel . . . (partly illegible).

45. Herbert de Heiwod' held a writ of warranty of one hide of land, with the appurtenances, in Rames . . . [It is not]

[1] See No. 18 *supra*. [2] Seavington. [3] Ilchester.

prosecuted. Therefore he is in mercy and likewise [are] his pledges William Wenbert and Richard de H . . . (partly illegible).

Remainder of pleas of the Crown in the eyre of our lord the King in the counties of Somerset and Dorset.

Memb. 13.

Essoins taken at Taunton on Tuesday next after the Feast of the Apostles Peter and Paul[1] before the justices.

46. The Abbot of Gimeges (Jumièges) essoined because he was beyond the sea, against Richard de Grenvill' concerning the advowson of the chapel of Eston', by Alvred le Har and W. son of Robert. A day [is given] in one month after Michaelmas at Westminster. The same day [is given] to all the recognitors.

47. William de Novo Mercato, whom Martin de Kaddeby vouched to warranty, essoined *de malo veniendi* against William de Eston', by Adam le Francess and Walter de Cadebi.[2] (The rest of the entry is too illegible except for guesswork.)

48. Denise, wife of Ranulf de Flury, in the same manner against Reginald de Aubimare by William Crude. At the next coming of the justices. He has pledged[3] his faith.

49. Emma, wife of William Avenel, in the same manner against the same by Simon de Gingeston'. The same day is given to the recognitors and to William Avenel, who vouches them (*eas*) to warranty.[4]

50. John de Monte Acuto essoined as beyond the sea, against Gilbert son of Baldwin, by German and Philip.

51. Roger de Parkton' essoined *de malo veniendi* against Juliana, daughter of Adam de Ass', by John de Hue. In one month after Michaelmas at Westminster, and Juliana puts

[1] This feast fell on Friday, 29 June in 1201 (3 John).

[2] See "Somerset Fines," p. 9, No. 68.

[3] "*aff*," i.e., *affidavit*. "*Affidabit essoniator quod habebit dominum suum ad alium diem ad warrantizandum dictum et essonium suum*," Bracton, fo. 338. The agent proffering the excuse must pledge himself to produce his principal on the later day to justify his absence. In the eighteenth century, when essoins were recorded in English, the essoiner was termed the "affirmant." He was commonly a member of the fictitious family of Doe.

[4] This and the next preceding entry evidently relate to one and the same action, and must be read together.

in her place Richard de Grenvill'. The same day is given to the recognitors.

52. Richard Cotelein the same manner against —— (*name omitted*) upon an assize by Gervase Boschet.

53. Richard son of Ralph, essoined for bed sickness (*de malo lecti*) against William de Meulesburge at Pellham in Hereford-shire, by Jordan de Bikewik and William Freh'a. At the next coming of the justices (struck out). If not sick in bed, at Westminster in one month after Michaelmas.

54. Walter de Trin [essoined] *de malo veniendi* against William le Bret by Edward son of Peter. At the next coming of the justices. He has pledged his faith. The same day is given to the recognitors.

55. Henry son of Hugh, in the same manner for an assize, by Robert le Spicer.

56. Henry de Marisco, in the same manner for the same, by Stephen de Sutton.

Richard de Cumba, whom William de Waleton' and Amabel his wife, have vouched to warranty against Robert son of Hugh, essoined as beyond the sea, by Adam Ruffum. Without a day because he was in the service of our lord the King beyond the sea.

57. Juliana, wife of William de Eston', essoined *de malo veniendi* against John de Reini, on a plea of land by Stephen. In one month after Michaelmas at Westminster. He has pledged his faith. The same day is given to William her husband *in banco*.

58. The same Juliana essoined in the same manner against Nicholas de Peres and Beatrix his wife, by William Best.

59. Isabella Bonet, in the same manner against Robert Bonet, on a plea of dower and of chattels, by William Galopin.

60. Henry de Cunteville, in the same manner against the three daughters of Robert Pakerel and John de Lastoke, by Daniel.[1]

61. Roger de Purne, in the same manner against Wimare for an assize, by William Bugge. At the next coming of the justices. He has pledged his faith. The same day is given to the recognitors.

62. Ilbert de Hawde, in the same manner against Helias

See No. 22.

de Auno by Richard son of William. In one month after Michaelmas at Westminster. He has pledged his faith. The same day is given to the recognitors *in banco*. And Elias puts in his place Alexander de Alno. (The rest of the entry is doubtful.)

63. Lettice, wife of James son of Gerard, in the same manner against Roger de Kennes and Emma his wife, on a plea of warranty by John de Rumesia. Without a day. Lettice vouches to warranty William Kenes, who is in the service of our lord the King.

64. Simon de Berges, essoined *de malo veniendi* against Robert de Penard, by Simon de Brente. At the next coming of the justices. He has pledged his faith. The same day is given to the recognitors and to Ailward, one of the tenants, *in banco*.

65. Alward de Breges, in the same manner against the same, by William son of Wulward'. Alward' comes.[1]

66. Peter de Bristoll, in the same manner against Susanna, by Fabien.

67. Roger de Bavet, in the same manner for an assize, by Ivo de Fernbrige.

68. Aubrey Fichet, in the same manner against Helias Pincerna, on a plea of land, by Jordan de Meirige. In one month after Michaelmas. He has pledged his faith. The same day is given to Hugh her husband *in banco*. And be it known that Ellias claimed the land from the aforesaid Hugh and he vouched to warranty his wife.

69. The Prior of Golclive [essoined] for bed sickness against Matilda de Chandos, by Richard de Membri and William son of Segar'. If he be not in sickness at (the next coming of the justices—*struck out*) in one month after the feast of St. James (at Westminster—*struck out*) at Golclive in Gloucester.

70. Richard de Atrio essoined as beyond the sea against Walter de Bikhalle, by Jordan Duning and Simon the smith.

71. Thomas de Wike [essoined] *de malo veniendi* for an assize, by Robert Champian.

72. Avice de Blakeswurde in the same manner against Richard Penpe, by Martin de Oteri. At the next coming of the justices. He has pledged his faith. The same day is given to the recognitors.

[1] This is no doubt a postscript.

73. Anketil Sigge in the same manner against Colestan and Edith his wife, by Richard Warner.

74. Ralph Tabeler, one of the knights who should have viewed the land of Eblesburye in the same manner, by Alard'.

75. John de Bremeset in the same manner for the same, by Arnald.'

76. Joan, wife of Hamelin Blund', in the same manner against William son of Herding, and Emma his wife, by Reginald de Tokington'. At the next coming of the justices. He has pledged his faith. The same day is given to her husband Hamelin *in banco* and to the recognitors.

77. John de Gurnay in the same manner against Thomas son of William, and Eva his wife, for an assize, by Helyas. In one month after Michaelmas. He has pledged his faith. The same day is given to the recognitors *in banco*.

78. Matilda de Mordune in the same manner against Agatha, formerly the wife of Egelin de Porbige, by William . . . in Britone. In one month after Michaelmas at Westminster. The same day is given to Adam her husband.

79. Eustace de Stok' and Margaret his wife, in the same manner against the same, . . . by John Waleys and Edoneus. In one month after Michaelmas at Westminster. And be it known that the land was taken into the King's hands and the day of taking, etc., and it was not claimed at the hour and term. Therefore let him have his seisin.

80. Gur Wasun in the same manner against Matilda, daughter of Roger de Greinton, touching the taking of law[1] (*de lege recepienda*), by Ralph Wasun. On the octave of St. Peter ad vincula at Tanton. He has pledged his faith before Richard Fleming and the Sheriff and the Steward.

81. Robert Petitpas, essoiner of William the scribe (*eſſ Willi scriptoris*), in the same manner, against Ranulph Petwede, by Thomas de Welles.

82. Roger de Lega in the same manner for an assize concerning Candel,[2] by John Baset.

83. William son of Geoffry, against John Medic' on a plea of assize, by Hugh son of Waleman. At the next coming of

[1] Proof, that is, by oath, with oath-helpers, the wager of law. This seems to have been a claim by Matilda for dower. See "Somerset Fines," p. 8, No. 71.

[2] Candel, co. Dorset.

the justices. He has pledged his faith. The same day is given to William de Esson', one of the tenants.

Memb. 14.

Pleas of the crown taken at Wells on Thursday next after the Feast of St. George before our lord the King.

84. Alice de Lekeworth' and Matilda her sister, appealed in the county [court] William son of Gerold' Pape, Geoffry son of Mauger, Sybil Hasard', Ralph the miller, and Stephen the hundredman, of burglary and breaking into their house and of robbery of their cloth and yarn and other chattels to the value of 20*s.* and upwards. Alice and Matilda did not prosecute, and William, Geoffry, and Sybil came before the justices and defended the whole. Ralph the miller and Stephen did not come or essoin themselves, nor were they under pledges. Therefore to judgment on Peter de Scudimore, then sheriff, when they were dismissed without pledges, and likewise on Therric de Mudiford, Geoffry de Meisi, and Robert Fitzurse, keepers of the pleas of the crown (*custodes placitorum corone*).[1] Let Sybil be under pledges against the next coming of the justices, and William son of Gerold, and the others, against the next coming of the justices. And let Geoffry son of Mauger, an ordained clerk, be committed to Master Alan the official,[2] against the next coming of the justices.

85. Edith de Molton', who appealed in the county [court] Randal de Chiw' and William the Irishman, who died in gaol, of the death of Matilda, wife of Osbert de Depeford', came before the justices and said that malefactors came by night to the house of Osbert, whom she served, and took him and beat

[1] These *custodes* were the county coroners. The origin of their office is usually ascribed to the articles of the eyre of 1194, but it is questionable whether this was not merely a declaratory measure and whether coroners of boroughs and counties did not exist before that date. See introduction to "Select Coroners Rolls" (Selden Soc.), by Dr. Gross. They were elected by the county. By the articles of 1194 three knights and one clerk were to be elected as *custodes*. The *clericus* was probably an ecclesastic who acted as scribe. Later the *custodes* are referred to as *coronatores*. The coroners tried criminal pleas and judged felons taken in the act. They appear also to have heard civil pleas in the county court. Here they sat with the sheriff, and sometimes without him. Peter de Scudimore and the coroners were fined (see Amercements, *post*), but whether for this matter or not is not quite clear. Peter de Scudimore was sheriff of Somerset and Dorset from 9 Ric. I. to 1 John.

[2] *i.e.*, of the Bishop.

him and killed his wife, but she does not know whether the aforesaid [Randal and William] did this or not. And twelve knights of the same hundred being sworn, do not suspect him [Randal] of this or of other wrongdoing. Therefore let him be under pledges.

86. William de Caune appeals William Tropinel, Robert the miller, and Geoffry and Hugh and Walter and Jordan and Henry, sons of Robert, Roger de Ponte, William son of the Prior, Roger son of Cho'ut, Richard Cophin', Richard son of Batild', who were of the mainpast of the Prior of Tanton', for that they, against the peace which they had sworn and gaged to him in the county [court], came out of a mill wherein they were hid and came in premeditated assault against Walter de Wik', whom he [William] had sent on a message, and wounded him thus: one of them wounded him in the head with a hatchet (*hascia*), and another also wounded him in the head, and so they ill-treated him that he died of his wounds so given him. And then they wounded Serlo, one of William's men, so that he is mayhemed. Who [Serlo] appeals William son of Prior for that he in the King's peace and wickedly assaulted him and wounded him in the left shoulder so that he is mayhemed: And he appeals the said Hugh for that he wounded him in the head and pierced him with a certain knife in the arms and legs so that he had fourteen wounds: And all the before named were in that force and likewise in the death of the said Walter Wik', and this he saw and heard and offers to prove against the said William and Hugh as to his mayhem as the court shall consider, and that the before named were in that force. And all the before named, except Richard Cophin' and Richard son of Batild' who are outlawed, come and defend everything word for word.[1] And the appellees say that the before named Walter before he died came before the serjeant of the hundred and others and admitted that no one had killed him, nor did he accuse any one save Richard Cophin' and Richard son Batild', and they ask that this be allowed them. They also ask that it should be allowed them that Serlo never appealed them in the county [court] nor elsewhere, nor showed any wounds,

[1] Here there is a note in the margin of the roll: "*ad judicium de Willelmo de Caune qui vocavit Comitatum qui ei deficit*" as I read it. See also "Select Pleas of the Crown," p. 78.

nor mayhem, except after the outlawry, namely after the fifth[1] county [court] and they vouch the county which warrants them in this. And the Miller and his sons say that before this appeal was made they themselves had appealed certain nephews of William de Caune, and to extinguish that appeal this appeal is made. And the county being asked which appeal was first made, says the appeal of the Miller and his sons Judgment; the appeal is null for the cause aforesaid, and therefore Serlo is in mercy; And let the others be quit And William de Caune, who complained that the sheriff would not attach the before named appellees upon the appeal of Serlo, is in mercy for his false complaint, because the whole county testifies that he did attach them. And let the previous appeal proceed on the next coming of the justices. Richard Cophin,' outlaw, and Richard son of Botild', was (*sic*) in the tithing of Esse of the Prior of Taunton, and is in mercy. Richard Cophin's chattels were [worth] 10*s*., for which Hubert de Burgh[2] will answer. Richard son of Botild' had no chattels, and was of the same tithing.

Memb. 14*d*.

87. Goscelin son of Walter appeals Adam de Rupe for the death of Ailneth his brother, and Adam comes and says that he was appealed on another occasion by the widow and that before the justices he went quit,[3] and that Goscelin then said nothing against him, and the whole county testifies to this. Judgment; the appeal is annulled because he appealed him [Adam] according to what he saw and heard, and he confesses that he was in Ireland when the murder took place. And moreover the appellee has gone quit. Therefore Goscelin' is in mercy, and Adam goes quit.

88. Gervase de Pedewell' appeals Stephen the forester that he, with others unknown to Gervase, came by night to his house in the King's peace and wickedly and burglariously broke into his house to rob him of his chattels and sought to kill him with a certain sword which he snatched from them and retained,

[1] Possibly this was the court at which the two Richards were outlawed. If an appellee did not appear on the appeal in the county court he was exacted or proclaimed, and so on to the number of four successive courts. If he still failed to appear he was then outlawed.

[2] The sheriff.

[3] There is here a marginal note: "*ad judicium*."

together with a certain scapulary ; And this he offers [to prove] And the daughter of Gervase likewise who saw this. And Stephen defends this. Moreover it is testified by the whole county that he and his friends brought a writ from the justiciar into the county [court] ordering an inquest whether the facts were as alleged or no, and when he heard that the county testified against him that he was of ill-fame and suspected him, as it still testifies.[1] Judgment; let him purge himself by water. He has waged [his law].

89. Swanilda, formerly the wife of Hugh, appeals Robert the clerk of the death of her husband, who [Robert] comes and says that he is a sub-deacon and fully defends the death and will defend where he ought to defend. And Master Alan, official of the Bishop of Bath, says that he [Robert] is sub-deacon ordained by the Archbishop of Canterbury, who told him this as he says, and demands him [Robert] for his lord's court. And because he had no sufficient testimony of the Archbishop he [Robert] is not handed over to him quit, but is committed to him so that he should have him on the next coming of the justices And then let him produce the Archbishop's letters in testimony of his ordination.

90. Roger Corbin questioned how he came by a certain cloak and a napkin which William de Burguniun says were stolen from him with other things, when his house was broken into and robbed, comes and says that he bought the cloak and napkin from Robert Tirz, who sent for him by Robert Brun And he vouched him to warranty ; And if he will not warrant him then he offers to prove against him [Robert] as the Court shall consider. And Robert comes and defends the whole ; that he never sold the cloak to him or the napkin, and says that on another occasion he [Roger] had appealed him of this in full county [court] and had afterwards discharged him and had vouched another to warranty William son of Richard And this the whole county testifies And whereas Roger is found seised of the robbery and varies in his statements and in his voucher of warrantors, it is considered that he should be hanged and Robert Tirz should be quit. And William son of Richard

[1] Prof. Maitland, pointing out an apparent omission, suggests that perhaps Stephen fled when he heard the testimony of the county; "Select Pleas of the Crown," p. 79, but *quære* whethe the writ did not come after the county had shown its belief.

was outlawed for this in the tithing of Acford[1] of John Eskelling' and is in mercy. His chattels were 4*s.*, for which H. de Burg must account.

91. Eva de Babington' appeals Richard Frend of the death of Ralph her son, and that he wounded her in the hand, and this she offers to prove, etc. And the knights of the county being questioned concerning his repute say that he was accused before this thing of theft of sheep and other misdeeds. So that for ill-fame he fled to the church and there kept himself and then secretly fled thence And they say that because of the aforesaid death he fled, and therefore they suspect him. And Richard came and defended the whole. Judgment; let him purge himself by water. He has waged [his law].

92. Odierna, formerly the wife of Adam, who appealed Adam the miller and Walter Pirun and Richard de Kandel of the death of Adam her husband, came and discharged them And Adam the miller died, and Walter who comes is not suspected. Let him be under pledges. And Richard de Kandel did not come or essoin himself and his pledges were Richard de Brimeshull and the tithing of Brimeshull[2] and is (*sic*) in mercy (and the keepers of the pleas of the crown Robert son of Hugh John de Maneston and Ralph Huse who confessed that Adam the Miller was not attached and this was in the time of P. de Scudimore—*struck out*).

93. Ermald' de Ber' appealed Guy Wasun and John his son and John Bulepaun' of the death of a certain woman and does not come to prosecute, and therefore he is in mercy. Ralph the reeve (*prepositus*) of Bere was his pledge and is in mercy. Let them be appealed before the justices in eyre to stand to right, but the fourth day cannot be waited for. And let the sheriff take pledges for John Bulepaun' And John son of Guy is committed to Master Alan the official of the Bishop because he is a clerk.

94. Osanna de Hunteworth', who appealed Ralph the tailor and Robert le Fader[3] of the death of Herbert her husband and of the robbery and carrying off of his chattels, does not come

[1] "As to 'Shillington,' vulgarly Ockford Shilling, more truly Ockford Eskelling or Acford Skyllings, see Hutchins' 'Hist. of Dorset,' vol. iii, p. 93." Prof. Maitland's note "Select Pleas of the Crown."

[2] "Kandel" is interlineated and written above "Brimeshull."

[3] *Quære* slip for *Faber*, the smith.

or essoin herself, and therefore they are under pledges until the next coming of the justices, so that it may then be enquired of what credit they are and whether they be suspected.

95. Robert the smith of Pukinton' was killed at Barinton', and David and Martin of Stokelinz were suspected, so that the vicinage followed them with hue and cry and took them in flight, and this the county testifies. And they defend the whole word for word. Judgment; let them purge themselves by water. And let Geoffry Sigrin, who fled for that death, be exacted in . . . and outlawed pursuant to the assize of the realm.

96.

An entry of an appeal by the wife of Eustace de . . . against Alwin, which is too illegible to be reproduced.

97.

An entry in which the name of Geoffry de Seles alone is legible.

Memb. 15.

98. Edith, mother of William the smith, appealed William Fareman of the death of William her son, and it is not followed up. Therefore let William Fareman be under pledge until the next coming of the justices.

99. Avice Fairchidd' appeals Ralph Gowd' of the death of her son, and she died. Therefore, upon consideration of the justices, Ralph should be under his pledges.

100. Geoffry de Malecumb' was killed as he was returning from the tavern in the fields of Aile, and William the cobbler was taken for the death and was found seised of the dead man's cap and the knife wherewith he was killed. And the whole county testifies to this. And William defends the whole. Judgment; let him purge himself by water. He has waged [his law].

Amercements.

101. William de Kaun', 5 marks for false complaint.

Serlo, the same William's man, $\frac{1}{2}$ mark for false complaint.

The tithing of Esse of the Prior of Tanton', 1 mark for the flight of Richard Cofin and Richard son of Botild'.

Chattels. Hubert de Burg', sheriff, 10 shillings for the chattels of Richard Cofin.

The tithing of Acford of John Eskelling, ½ mark for the flight of William son of Richard.

Hubert de Burg', sheriff, 4 shillings for the chattels of William son of Richard.

Ermaldo de Ber', 1 mark, because he did not prosecute his appeal against Guy Wasun, and half thereof to the chirographer.

Ralph, reeve of Ber', ½ mark, because he had not Ermaldo by his pledge.

Geoffry de Meisi, 1 mark for his transgression.

Robert Fitzurse, 1 mark for the like.

Therric de Midiford', 100 marks for the like.

Peter de Scudimore *(blank)* for the like.

From the same 50 marks and 1 palfrey for forfeiture of the forest.[1]

ROLL No. 2. (BEDFORD.)

An endorsement on Memb. 8 gives the date of this roll as 3 Hen. III., that is 1219. It has no title beyond this endorsement, which states the regnal year. It contains civil pleas and pleas of the crown.

Memb. 4.

Pleas of assize on St. Clement's day at Bedford.

Memb. 12*d.*

101*a.* Hugh de Perers offers himself on the fourth day against the Abbot of Keynesham on a plea to hear inquest (*de pl' aud' inquis'*) touching one virgate of land, with the appurtenances in Pubelawe, which the same Hugh claimed as his right, etc., in the Court, etc., at Northampton, against the Abbot. The Abbot does not come, etc., and he was seen in Court, and he withdrew without leave. Afterwards Hugh

[1] It is not clear whether this entry applies to Midiford or Scudimore. It is prefaced by "*Coram Rege*" struck out.

claimed the default which the Abbot had made in the same court, and therefore it is considered by the court that the land should be taken into the hand of our lord the King, and that he [the Abbot] should be summoned to be [present] on the morrow of St. Hilary to hear his judgment, etc.

ROLL No. 481. (LINCOLNSHIRE.)

The date of this roll appears, from the title on Memb. 3, to be 3 Hen. III., November, 1219. On Memb. 8*d*. we have the morrow of the Epiphany as a date, and on Memb. 23 the quindene of St. Katharine, that is the 9th December. Presumably all these dates are in 1219.

Memb. 3.

Roll of pleas and assizes taken at Lincoln on the quindene of St. Martin in the third year of the reign of King Henry, before the lord of Lincoln and his companions, justices itinerant.

Memb. 8*a*.

Assizes taken at Lincoln on the morrow of the Epiphany.

Memb. 9.

101*b*. The lady, Nichola de Haia, puts in her place Robert Griffin' or Alan de Bifeld against Walter son of Richard the reeve on a plea of assize of mort d'ancestor in the county of Somerset.

Memb. 23.

Pleas taken before the justices at Lincoln on the quindene of St. Katharine, in the third year of the reign of King Henry, before the Bishop of Lincoln and his companions, etc.

ROLL No. 755. (SOMERSET.)

This roll seems to be complete, and upon the whole it is in excellent condition. It records the proceedings at the close of the 9th and beginning of the 10th years of Henry III. (A.D. 1225), before Martin Pateshull, John de Reyny, Jordan Oliver, and Ralph de Lydiard, the justices assigned to deliver the gaol, and to hold pleas of novel disseisin in the county of Somerset. The writ, or commission, is printed in Rot. Claus., vol. 2, p. 76, in "common form," with a note to the effect that every justice was similarly addressed according to the time and place appointed. Translated it reads as follows:—"The King to such an one greeting. Know that we have constituted you our justice, together with our well-beloved and faithful So and so, to take assizes of novel disseisin, and to deliver the gaol in the county of So and so. And we have commanded our sheriff that on such a day and at such a place he should cause to come before you all assizes of novel disseisin which are summoned before the justices at the first assize when they shall come into those parts, and all attachments and suits which appertain to the gaol delivery. And that from every vill in the county he shall cause to come four lawful men and the reeve, and from every borough or market town twelve lawful men, and all the knights and free tenants, to do what you and the aforesaid justices shall tell them on our behalf to the observance of our peace concerning those who are suspected or indicted of thefts, robberies, or homicides. And therefore we command you that putting aside all delay and hindrance, you shall, at the day and place aforesaid, meet your associates, and together with them apply yourself diligently and faithfully to this business." The date of this writ is the 14th June, 9 Henry III. Then follow the names of the justices assigned for various counties, Martin Pateshull being named in the commissions for Surrey, Berkshire, Oxfordshire, Gloucestershire, Wiltshire, Somerset, Dorset, and Hampshire. For Somerset we have Martin Pateshull, with John de Reyny, Jordan Oliver, and Matthew de Clevedon, knights of that shire. Matthew's name was struck out later, and a note added that Ralph de Lydiard had been appointed in his place by letters directed to Martin Pateshull and his associates, and also to Ralph himself. This note is tested at Westminster the 20th August in the same year. The feast of St. Margaret the Virgin, the 20th July, and Ilchester were originally fixed by the King's writ as the time and place for holding the assize; but the date was subsequently altered by Martin Pateshull himself, and it must have been to a day after, and probably some

considerable time after, the 20th August, when Ralph de Lydiard was substituted for Matthew de Clevedon. It was probably as late as October, for we have the date 10 Henry III. on memb. 10 of the roll, and Henry's regnal year began on 28th October. Martin Pateshull was due at Sherborne after completing the Somerset business, and as originally fixed he was to be there on the Saturday after St. Margaret's day, so that it was not expected that the business in Somerset would detain the justices many days. The gaol delivery, of which this roll is a record, was of an unusual character. It will be observed that all the townships had to send representatives, as on an eyre.

In this roll we have evidence of the great change which had taken place in procedure since the date of the Roll No. 1171. The ordeal had been condemned by the Lateran Council in 1215. In 1218 Henry had ordered his justices to respect the decree of the Church, and in this roll there is not a single instance of the practice. The duel, too, is only waged in the cases of the approver Walter de Haverburg (*see* Nos. 105 to 108 and 111). We find criminals tried in various ways—that is, not always by the sworn accusation of the twelve jurors and the four townships. Sometimes the conviction is by a jury of twelve and the "whole of the hundred" (Nos. 140, 142); by three juries of twelve and five townships (No. 152); by two juries of twelve (No. 109); by the juries of three hundreds (No. 206); or by an inquest of persons sent to ascertain the facts (No. 173). In no case is there any statement, such as we find in the Gloucestershire roll of 1221, that the accused paid a fine to the King for any particular mode of trial. There is an order for the maintenance of an approver for seven days (No. 112).

The roll has an unusually complete record of amercements and chattels, which I have discussed in a note to No. 383. The volume of "Somerset Fines" contains only two abstracts of fines taken at Ilchester in 9 Henry III., and they can both be traced in this roll. The territorial divisions of the county are not now identical with those of the time of Henry III., so that we cannot check the rolls by the present hundreds. It is important, however, to observe that the list of hundreds in this and the next following roll agree almost exactly. Roll No. 756 has the hundreds of Cheddar, Mells, and Wellington, which do not appear in this roll. On the other hand, this roll includes Brunelond, described in roll 756 as a "manor," Lidyard, and Wrington, which are not included as hundreds in the later roll. It would seem probable, therefore, that in this roll we have a record from which nothing is wanting, unless the incidental reference (p. 105) to Banwell as a hundred, and the marginal note that a particular matter must be fully inquired into in the hundred of Brent (No. 220) could lead us to infer that perhaps the record as to these two places may be wanting.

Memb. 1.

Pleas of gaol delivery and assizes of novel disseisin taken before M. de Pateshull, John de Reyn, Jordan Oliver, and Matthew de Clivedone at Ivelcestre in the county of Somerset in the ninth year of the reign of King Henry, son of King John, and also before Ralph de Lidiard'.

102. Ada Pamel puts in her place Robert de Aldeham or Sweting' de Hunebir' against William de Mariscis on a plea of suit and against Jordan Ridel on a plea of novel disseisin.

103. Hugh Peverel of Sanford puts in his place Robert de Luccumbe against Hugh de Sanford on a plea of debt. Ralph de Crudelincot' is in mercy for default.[1]

104. Walter de Haverberg', approver, confessing himself a thief, appealed Geoffry Galle of Taunton of companionship [with him] in larceny, and Geoffry fled, and the bailiff of Tanton has [his] chattels, and therefore should answer. Geoffry was in frank pledge. He had no chattels.[2]

105. The same Walter appeals Ralph Budding of Bath that they together robbed a certain house at Farenberg' and bound the host and his serving-woman (*hospitem et feminam suam*), and the same Ralph then killed a certain boy, and of that robbery the same Ralph had one surcoat (*supertunica*), a linen cloth, and many other things, and a cloak, and this he [Walter] offers to prove against him by his body as the court shall consider. And Ralph comes and defends the whole by his body. And therefore let Ralph give gage to defend and Walter to prove, and let them come on the morrow armed. Ralph was vanquished and hanged.[3]

106. The same appeals William Thorp of Bruges[4] for that they together killed a certain man in Brentemareis,[5] to wit William Everard, and this he offers to prove by his body as the court shall consider. And William comes and defends; and first he defended the whole by his body, and afterwards he put

[1] This has "Wilts" in the margin, but it has a Somerset connexion.

[2] The words "he had no chattels" must, I think, have been added from later information; but, judging from the appearance of the handwriting and colour of the ink, the addition must have been almost contemporaneous with the original record.

[3] There is a marginal note here, "Hanged. Inquire as to chattels."

[4] Bridgwater.

[5] Brent Marsh.

himself upon the country for delay; therefore it is considered that he should defend himself by his body. Let him give gage to defend, and Walter to prove, and let them come to-morrow armed. Afterwards Walter came and withdrew [his appeal] and confessed that William was not guilty. Therefore it is adjudged that he [William] be under pledges, and that Walter be hanged.[1]

107. The same appeals Thomas de Kendale for that they together robbed a certain house near St. Albans, and he (Thomas) had for his share a cape, one surcoat, and two shifts (*camisias femine*), and one pair of breeches, and this he offers to prove, etc. And Thomas comes and defends the whole by his body. Therefore let Thomas give gage to defend, and Walter to prove, and let them come armed on Saturday. Thomas was vanquished.

108. The same appeals Robin Robe for that they together stole nine sheep on Menedup, so that he had three sheep for his share, and this he offers to prove by his body. And Robin comes and defends the whole by his body. Therefore let Thomas give gage to defend, and Walter to prove, and let them come armed on Monday.

109. The same appeals William Chund as a receiver of stolen goods which he received knowingly, and of their robbery he received clothes, capes, frocks (*rocheta*), and many other things, and this he offers to prove, etc. And William comes and puts himself upon the country for good or ill. And the jurors say upon their oath, and likewise twelve jurors of the burgh of Tanton say upon their oath, that they suspect him of the receipt with knowledge; therefore let him be hanged.

110. The same in the same manner appeals Walter Gyald as a receiver of stolen goods, and this he offers, etc. And Walter comes and defends the whole, and puts himself upon the country. And the jurors say that they do not suspect him, nor do they know anything of him except what is good. Therefore let him be released.

111. The same appeals Robin Coc of the same companionship [with him] in theft for that they together stole the aforesaid nine sheep, and he had for his share three sheep, and this

[1] It would seem to have been not uncommon to await the result of all the appeals by an approver before dealing with him.

he offers, etc. And Robin comes and defends the whole by his body.

112. Walter de Halton', confessing himself to be a thief, has become approver, and he has been granted his life and members for seven days. Let him have every day three half-pence for his sustenance, to wit, from Wednesday next after the Nativity of the Blessed Virgin, etc.[1]

113. Philip de Spaulerg, taken upon suspicion of larceny, comes and defends the whole, and puts himself upon the country for good or ill.

THE HUNDRED OF MILVERTONE.

114. Richard the baker (*pistor*) and Stephen the reeve of Sanford, and Richard Cape and John his son, Roger de B . . . James of the end of the town of Sanford, and Richard de Parseie, taken for the death of Nicholas de Arundel their lord, who was killed and burned in his house, come and defend that death And being questioned where they were when that house was set on fire say that they lay in the town and not in the court, but in truth they came thither before the said house was burned, and they confessed that they saw their lord burned in his house about the hour of prime, and they did not dare [remove him] without view of the coroners. And it is testified by the knights of the county that the same reeve before the burning of the house carried off all the chattels of his lord from the court of the lord, and that the same Richard the baker on the morrow went into Devon to the land of his lord and led away a horse, and took and carried off the chattels of his lord which were there. And they all put themselves upon the country. And the knights of the hundred and the knights of the hundred of Tanton and others and the townships come and say upon their oaths that they suspect those men, and the whole township [Sanford], except four men, to wit Richard de Bosco, William Brekehere, Stephen the reeve . . . and Warin the tailor and Richard with one eye, and say positively that when they were pursuing their lord to kill him the same Nicholas fled to the church and would have entered it, and the chaplain shut the door and he dared not enter, and they killed him and put him in his house

[1] This entry has against it the marginal note "Dorset."

and then set fire to it. Therefore let them be drawn and then hanged. And let the other men of Sanford be taken. Let inquiry be made as to their chattels.

And Roger Akerman and Hugh, son of Hugh Cape, accused of the same death, have fled and are suspected. Let them be exacted and outlawed, and let inquiry be made as to their chattels.

Aylbriht de Hulecumbe, Richard son of Richard de Holecumbe, Walter de Pasheie, and another Walter Pasheie, and . . . Atelonesande and Ralph his brother, and Richard de Holecumbe the elder, and Edith daughter of John de Burcumbe, taken for the said death, come and defend that death. And the aforesaid jurors and the townships come and say upon their oaths that all of them except Richard de Holecumbe with one eye, whom they have previously acquitted, are guilty of that felony. Therefore let them be hanged.

Jordan de Hall . . . , Robert de Diggelford, Hugh son of Juliana, and Edward de Sanford, are accused of the same felony, and they, except Edward who is infirm, have fled and are suspected. Therefore let them be exacted and outlawed, and let inquiry be made as to their chattels.

115. Richard de Sedlep, William le Futur, and Matilda his sister, and Humfrey de Huntere, abiding at Milvertone, were taken for the deaths of four men found killed in Essemore, and they were put in the gaol of Ivecestre,[1] and they all escaped from prison except Humfrey, who was hanged.[2] And Nicholas de . . . Payn Bere of Glamorgan, Ralph Knepe, accused of the same deaths, fled, and they were . . . [dwellers?] at Glamorgan in Wales. And Payn was attached by Thomas Fluri, Th . . . de Wike, H . . . de Ken, Robert de Trebergh, Luke Barri, Thomas de Bonevile, and William Maureward. And Paine . . . [essoins himself?] and he has a day by his essoin at Wilton in fifteen days from Tuesday[3] the morrow of the Nativity of the Virgin, and then if he do not come there let him be under pledges. And as to those who

[1] The gaol seems to have been in a bad way. On 12 March, 9 Hen. III., the King ordered the sheriff of Somerset to repair the "broken gaol" without delay: 2 Rot. Claus., p. 22; see also 2 Rot. Claus., p. 13*b*; see No. 250.

[2] "*qui suspensus est.*" Perhaps he hanged himself in prison.

[3] The morrow of the Nativity of the Virgin in 9 Hen. III. (1224–5) was Tuesday, 9th Sept.

escaped let them be treated as outlaws. The chattels of Richard, William, Matilda, and Humfrey are worth 13*s.*, of which 2*s.* are given to the widow of one of the slain, and the sheriff will answer for the rest. And Nicholas and Ralph are suspected, therefore let them be exacted and outlawed. Payn is not suspected, therefore . . . [if] he return let him be under pledges. Chattels of Humfrey 3*s.*, of Matilda 3*s.*, of William 8*d.* For which the sheriff [must answer].[1]

116.

The next entry is almost illegible. It relates to the same murders. William . . . and John . . . are suspected, and are exacted and outlawed. John was taken at Taunton and there imprisoned. Roger de Ford is also named.

117. William . . . gate was wounded so that he died of his wound, and Henry de Holte, Richard C . . ., and Richard de Chelleworth were attached for that death. And Henry does not come, and is attached by William de H . . ., William de L . . esford, John Bretasche, William de Eston, Richard de H . . . , William Caff . . . de L . . . , Thomas de Wike, Geoffry de . ., Roger de Treberg', Roger de Rad- . . . Therefore all are in mercy. Richard de Chelleworth is not suspected, therefore let him be liberated. Henry de Holte is suspected of having killed him [William]. Let him be exacted and outlawed. Richard is dead. Henry de Holte has land, which is taken in the hand of our lord the King.

118. Orguillusa, wife of Huward de Diskole, puts in her place . . . on a plea of land, etc.

119. Be it remembered that the Prior of Legh carried off the body of Nicholas Arundel and buried it without [view] of the coroners or bailiffs of our lord the King.[2]

Memb. 1*d.*

The Hundred of Tintelhill

120. Knows nothing.

[1] These figures differ from those in the statement of the case. There seems to be a clerical error. In the schedule (No. 383) Humfrey and William's chattels are given as worth 2*s.* 8*d.*, which would agree with the first statement in the record, after allowing for the 2*s.* In No. 383 William is called "Richard."

[2] See No. 114.

The Burgh de Monte Acuto.

121. Knows nothing.

The Hundred of Tanton'.

122. The same say concerning John de la Leg' and Reginald de la Leg that they are evildoers, as the jurors of Milverton testify. And the jurors say that John was taken by the bailiffs of our lord of Winton,[1] and put in prison in his castle of Tanton, and that he [John] broke gaol and escaped.[2] Therefore to judgment for the escape. And William Bulloc, bailiff of Tanton', was present, and being asked why he did not deliver the prisoner to the sheriff and to the gaol of our lord the King says that he does not know; therefore this must be discussed. John and Reginald had land and chattels which were worth 4*s.* 6*d.*, and three acres of corn (*bladi*) [on which] let a price be put. And they are suspected, and therefore they are put in exigent and outlawed. The value of the crop is 3*s.*, for which the sheriff must answer.

123. William Wiling and Walter Budde, suspected of consorting with the said John and Reginald, have fled. William was in the tithing of the Prior of Tanton' outside the gate of Tanton', and Walter Budde was in the tithing of the lands of Niwelond', and therefore they are in mercy. And they are suspected; therefore let them be exacted and outlawed. William and Walter had no chattels except a crop of the value of 10*s.* which Walter had. For this the sheriff must answer.

124. Gorwy Budde, Walter de la Sterte, Gilbert son of Jordan de Cumb', Osbert son of Roger Chelemund', Herbert son of Roger, William Counte, and Alice Black (*nigra*), accused of harbouring the aforesaid evildoers and with knowledge, come and defend the whole, and put themselves on the country for good and ill. And twelve jurors and the townships of Punderford, Trendle, Hulle, Holeweie, and Otriford come and say upon their oath that they [the accused] at sometime received them but unwillingly, except Alice, who took them food and received them on occasion in fear of death. And it is testified by the whole county that the bailiffs of Tanton' have often attached them

[1] The Bishop of Winchester.

[2] See Nos. 130 and 132.

and they often promised to go away, so that the aforesaid accused did not know whether they should be on their guard or not (*eos sepius attachiaverunt et promiserunt eos abire sepius ita quod predicti rectati nescierunt utrum essent cavendi vel non*). And therefore let all except Alice[1] be under pledges. Therefore Alice, etc., [2] because she knowingly took food to them in the wood and consented to them.

125. Richard Hunte, Reginald (*factor rogorum*[3]), and Sabina daughter of Reginald, are accused of the same harbouring. And Richard and Reginald come and defend the whole, and put themselves on the country. And the said jurors say the same of Richard, Reginald, and Sabina as of Gorwic' and the others, and therefore they are under pledges, and Sabina fled. If she return let her be under pledges.

126. Roger de la Forde and Felicia his daughter, taken for the same, in the same manner put themselves on the country. And the said jurors and townships do not suspect them. Therefore let them be under pledges as the others beforenamed.

127. Robert, son of the aforesaid Roger de Ford, accused of the same harbouring, has fled. He is not in frank-pledge, for he is a free man. He is not suspected, and therefore if he return let him be under pledges.

128. William the palmer (*le Paumer*), accused of the death of a certain groom (*garcionis*), comes and defends the whole, and says that the said groom was with him and left him sound and uninjured, and he knows nothing of that death. Therefore let him be liberated.

129. Roger Wudecoc and Edith his wife killed Alexander de Orchyard and have fled. And Ascelina, wife of Alexander, sued in the third county court against them; therefore let her continue her suit until Roger be outlawed and Edith be waived.[4]

[1] The roll has "*fuit*," but I think the word must be a slip, and that "*sint*" was intended.

[2] Blank in original.

[3] I find a difficulty in translating this. Can it mean that Reginald was the attendant on the beacons? or was he a maker of faggots for burning? See Ducange, under *Rogus*. In 1 Rot. Claus., p. 553*b*, occurs the following:—"*De busca ad rogos faciendos. Mandatum est Briano de Insula sicut alias ei mandatum fuit quod habere faciat Roberto Lenfaunt et sociis suis custodibus operacionis castri de Salopesbir' buscam in foresta de Monte Gileberti ad duos vel tres rogos faciendos ad operacionem predicti castri.*"

[4] The words used are "*utlagetur*" for Roger and "*wavietur*" for Edith. A woman could not be outlawed, for she never was "in law."

Roger's chattels [are worth] 20*s.* 11*d.*, for which the sheriff must answer.

130. Thomas de Luneton, accused of harbouring thieves, does not come, and he was attached by Walter de Luneton, Richard de Nethercote, William de Nethercote, Herman de Marisco, and William the reeve of Ake. Therefore they are all in mercy And Thomas is suspected of the receipt of John and Reginald de Legh. Therefore let him be exacted and outlawed. Let his chattels be taken into the hand of our lord the King. Afterwards Walter came and undertook to have him [Thomas] on Saturday. Afterwards he comes and twelve jurors say that they know nothing of him other than good except of the receipt of John and this by force. Therefore let him be liberated and be under pledges.

131. Richard de Krues, a villein of Blakedone, killed Herman Dreng of Blakedone, and fled. He was in frank-pledge of the vill of Blakedone, and therefore it is in mercy. He is suspected ; therefore let him be exacted and outlawed. Inquire as to his chattels.

132. Robert de Legh', knight, attached because John de Legh',[1] a fugitive, was thought to have come to his house, comes and puts himself upon the country touching everything, and because he was not in the country on the day when this was said to have been done. And twelve jurors testify that it was said that John was there. And William Bulloc and Ralph de Meriet and the constable of the Bishop at Tanton' came armed to that house and took Robert's wife and his son and led them to Tanton and there put the son in prison and kept him there for one month in fetters. And Robert seeks justice for this because they took his wife on foot to Tanton and imprisoned his son for a month although they might have found sufficient pledges. And no one was found in his said house except his wife and a certain other woman who ate with her in the dwelling room and his said son. And he says that the Bishop would not release his son under pledges unless John de Briwes would execute to him his charter that all his land should pass to him [the Bishop] if he should not have him [Robert's son] on his [the Bishop's] summons, And he says that Ralph, William, and the others broke open his chest and carried off his deeds and other things

[1] See Nos. 122 and 130.

which they found. And Ralph does not come, and William is present and does not say that he did not take them [the wife and son] as alleged, but he defends the taking of the chattels. And the twelve jurors being questioned whether John was then in that house say that they do not know, but that Ralph de Meriet said that he found John outside the house in flight, and he escaped beyond the ditch (*ultra fossata*), and that Ralph said that he took Robert's son because he followed John. Questioned whether they know any ill of Robert, his son and wife, they say that they know nothing of them except good. Therefore to judgment.

The Hundred of Kokre.

133. Knows nothing.

The Hundred of Welles.

134. Melicent (*Milisanta*), wife of Bernard de Dulticote, accused of burglary in the houses of Matilda and Alan [de] Dulticote, comes and defends the whole, and puts herself upon the country. And the twelve jurors know nothing positively of her, nor were any stolen things found, and they say positively that Bernard is a lawful man (*fidelis est*), and therefore let her be liberated and be committed to the tithing of Duldincote.[1]

135. Bruweton, concerning the men who killed their lord and fled.[2]

The Burgh of Welles.

136. Knows nothing else.

The Hundred of Bath'.

137. Knows nothing.

The [Hundred of *struck out*] Wascet'.

138. Knows nothing.

[1] Dulcot.

[2] Here there is the marginal note "*loq' sup'*," which evidently means that the matter is discussed elsewhere : see Nos. 231, 233, and 237.

The Hundred of Norton'.

139. John le Mawere, accused of breaking into the church of Stokes, fled, and was afterwards taken and committed to his tithing of Stokes of Walter de Estleg'. And they do not have him [here], and therefore they are in mercy. He is suspected. Therefore let him be exacted and outlawed. His chattels [are worth] 3*s.* 6*d.*, for which the sheriff must answer.

140. William Heredes of Sipton,[1] and Thomas his son, and Hugh Lug, accused of theft, come and put themselves upon the country. And the twelve jurors, with the whole hundred, say on their oath that William and Thomas are thieves of horses and other things. Therefore let them be hanged. And Hugh is not suspected; therefore let him be under pledges. Inquire as to their chattels.

141. Adam the palmer (*le Paumer*) of Cherleton Mucegros,[2] accused of theft, does not come. He was attached by the whole of his tithing of Cherleton, and therefore they are in mercy, and likewise for the untruth of which they were convicted (*similiter pro mendacione unde convicti sunt*), and he is suspected of harbouring thieves. Therefore let him be exacted and outlawed. Inquire as to his chattels.

142. William and Walter, sons of Elias de Holt, accused of theft, come and defend the whole, and put themselves on the country. And the twelve jurors, with the hundred, say upon their oath that they do not suspect them. Therefore let them be liberated.

143. Gilbert the tanner, taken for harbouring poachers (*bersatorum*), comes, and he is not suspected of any theft. Therefore let him be set at liberty now because this matter concerns the justices of the forest. The justices of the forest when they come will do what seems to them right.

144. Richard Litecrost, captured, is not suspected; therefore let him be liberated.

145. Walter de la Penne, son of Emma, accused of theft, fled. He was committed to his tithing of la Penne. And Walter is not suspected. Therefore if he return let him be under pledges.

The remaining two entries on this membrane are too illegible in places to reproduce.

[1] Shepton Montague.

[2] Charlton Musgrave.

Memb. 2.

The Hundred of Lidyard with the Manors of Wellinton' and Wivelescumbe.

146. William Smith of Hessod, accused of harbouring William his son, who is a thief, comes, and is not suspected. Therefore let him be set at liberty. And William son of William is suspected. Therefore let him be exacted and outlawed. He was not resident, and therefore was not in tithing.

147. Stephen de Bosco, brother of Richard de Bosco, killed Jordan Hawegod, and was taken and imprisoned at Ivecestre. He broke gaol and escaped. Therefore if he should be found let him be treated as if outlawed. To judgment for the escape.

The Hundred of Wintestok'.

148. Juliana la Russe killed Christiana, daughter of Agnes, and was taken and imprisoned at Ivelcestre. She broke gaol and fled to the monastery (or church? *monasterium*), and abjured the realm. She is suspected. Therefore if she should be found let her be treated as if waived (*sicut de wavia*).

149. Robert Stede was taken, in the time when Roger de Forde was sheriff, upon suspicion of the death of Simon son of Hordar', whom he was thought to have killed. And Roger de Forde allowed him to go free. The twelve jurors know not positively whether he [Simon] was killed or not, but they say that two chaplains, to wit, Geoffry de Were and Thomas son of John son of William, were last [with him] in the vintry of William de Sumerford in the hundred of Bemstan, and therefore inquiry must be made there. And be it known that neither the King's serjeant nor the coroners dared to enter the hundred to make inquest by reason of the bailiffs of the Bishop of Bath.[1]

150. Clarice, maidservant of Stephen de Ebroctis, was found dead in her bed at Mendep', and it is not known whether she died naturally (*si extincta fuit*) or in what manner she was killed, because she had no wound, and no one is suspected.

[1] There is a marginal note "*Loq̃ ī Hundř de Bemstan*'" = let inquiry be made in the hundred of Bemstan'. See No. 221.

151. John Swete by the bone (*bi ye bone*) killed Richard the shepherd, and fled. He was of the mainpast of the Abbot of Bruere in his sheepcote of Bridie.[1] Therefore he [the Abbot] is in mercy, and he [John] is suspected, and no one else. Therefore let him be exacted and outlawed. He had no chattels.

152. Robert Godesblescinge and William Goseberd' are accused of the death of Hugh de la Pille and Matilda his wife. Robert Godesblescinge comes and defends the whole and puts himself upon the country for good and ill. And twelve jurors of the same . . . [hundred and] twelve jurors of the hundred of Kingrebir' and twelve jurors of the hundred of Jatton' and the townships of Wrinatone, Jatton', Banewell, Worle, and Wintestok come and say upon their oath that they do not suspect him of that death. Therefore let him be liberated. And they say that they suspect William, who fled, and was an itinerant forester. Therefore let him be exacted and outlawed. And the coroners say that they dared not enter the hundred in order that they might the better make inquisition by reason of the bailiffs of the Bishop of Bath. Therefore to judgment.

The Hundred of Jatton.

153. Stephen Hedwey was killed at Kingeston', and Peter the fowler and Gilbert his brother were accused of that death. It is testified by the whole county that he was killed at the time of the war[2] and the coroners testify that it was so. Therefore they had nothing.[3] Moreover the justices afterwards came before whom nothing was done concerning that death, nor was any mention made of it. Therefore the twelve jurors are in mercy for false presentment, and the township of Kingeston' is in mercy for default.

154. Walter Gene was killed in the fields of Wike, and William son of Thomas de Bacwell, and Roger his brother, who belonged to Bridecumbe, were accused of that death. But it is testified by the whole county that that inquiry was elsewhere terminated before the justices on the last eyre. Neither the coroners nor the others know anything positively. Therefore nothing is done in the matter for the present.

[1] Priddy.

[2] "*tempore gwerre*," i.e. the war, begun in 1215, between John and the Barons after the execution of Magna Charta, and continued after the King's death, until Sept. 1217.

[3] That is, nothing was done to them.

The Hundred of Kantinton'.[1]

155. A certain stranger, and it is unknown who he was killed Richard de Kantinton' the cook. No other is suspected. [Presentment of] Englishry is respited until the coming of the justices to hold all pleas.

The Burgh of Stokes.

156. Knows nothing.

The Hundred of Norhtperiton'.

157. William Le Bule, accused of the theft of a crop, has fled. Therefore if he should return let him be under pledges.

158. Richard Artur', attached for cutting a certain purse, comes and defends the cutting, and is not suspected. Therefore let him be under pledges, because it is said that the purse was entangled in his shirt unknown to him.

159. Robert Bakun killed William Barat and fled. He was in the tithing of Richard Forestar' in Neweton', and therefore [it is] in mercy. He is suspected. Therefore let him be exacted and outlawed. His chattels [are worth] 5*s.* 6*d.*, for which the sheriff must account.

160. Thomas de Haddon', accused of harbouring the brothers of his wife, comes. And the jurors say that they do not suspect him of harbouring them with knowledge. Therefore let him be liberated.

161. Simon the foolish one (*le Foi*), a vagrant (*itinerans*), is accused of theft and of consorting with thieves in the forest. He is suspected. Therefore let him be exacted and outlawed. He had no chattels.

162. Robert Coc, accused of harbouring the brothers of his wife, who are thieves, comes, and he is not suspected. Therefore let him be liberated.

163. A certain clerk, a thief, was taken and imprisoned at Bruges in the castle. Therefore let the matter be inquired into there. And likewise concerning Henry Mop and Ralph Blund (*Blundo*), who are accused of theft and receiving.[2]

[1] Cannington.

[2] There is a marginal note here:—"*Loq̃ ī Burgo de Bruges*," i.e. Bridgwater See Nos. 168 and 169.

164. Richard Goky, accused of the death of Henry Lihtfot, killed at Leng', comes and defends the whole, and puts himself upon the country. And the townships of Nordcury, Bruges, Kriz, and Newenton, and twelve jurors say upon their oath that they suspect no one of that death save the same Richard, and they say positively that he killed him [Henry]. Therefore let him be hanged. Inquire as to his chattels. The township of Leng' and the twelve jurors at first presented that a certain Robert Young (*juvenis*) was thought to have killed him [Henry]. Afterwards they come and confess that they did this at the instance of Roger Baryl the serjeant of the hundred. Therefore let him be in custody, and the twelve jurors and the township of Leng' are in mercy for their false statement. The amercement of the jurors is pardoned. The coroners record that the bailiffs of the Abbot of Athelney do not allow them to summon the hundred at Leng' that they may make inquests or to make any inquest, and they have no warrant for that. Therefore let the franchise [of the Abbot] be taken into the hand of our lord the King.

165. Jocelin Huckel of Norhtperiton', taken for harbouring thieves, comes and defends the whole, and puts himself upon the country. The twelve jurors and the townships of Newentone, Hunteworth, Norhtperiton', and Hamme come and say upon their oath that they suspect him of harbouring thieves and of consorting with thieves. Therefore let him be hanged. Inquire as to his chattels.

The Burgh of Bruges Walteri.[1]

166. Robert Koo, *bereman* of Bruges, killed Hugh Lof, and fled to the church and abjured the realm. He lived at (*manens apud*) Bruges, and was without frank-pledge. Therefore the whole township is in mercy. Let him be taken if found.

167. Walter son of Edith Wellenewif was found killed without Werne in the manor of Sumerton' and she appealed John de Broc therefor. Let it be inquired into in the (manor *struck out*) hundred of Sumerton'.[2]

[1] Bridgwater.

[2] Prior to the Great Charter, a woman could only appeal in the case of injury personal to herself and of the death of her husband. (Glan., lib. xiv, c. 1, 3, and 6.) This rule was confirmed by the Charter. But in Aubrey of Hockwold's case (Coroner's Rolls, Seld. Soc., p. 18) in 56 Hen. III., several men were appealed

168. Two thieves who passed themselves off as clerks[1] were received at Bruges, first in the house of Ralph Glowe, secondly in the house of Roger Glowe, and thirdly in the house of Hugh the miller, who all come and put themselves on the country. And the jurors and the township say that they do not suspect them of harbouring the thieves, knowing them to be such. Therefore let them be liberated. And one of the clerical thieves was taken and imprisoned in the castle of Bruges, and he broke gaol and escaped. Therefore . . . [to judgment?] for the escape. And if he should be found let him be taken.[2]

169. William de Audres' and Ralph Blund (*Blundus*), suspected of theft, have fled. They abode in the vill of . . . without frank-pledge. Therefore it [the township] is in mercy. And they are suspected. Therefore let them be exacted and outlawed.[3]

The Hundred of Kingesbir'.

170.

This entry is in many respects illegible. Robert the tithingman of Bromleg' and Matilda his wife are accused of harbouring thieves, and they put themselves on the country. So much clearly appears. Robert seems to have been guilty.

Memb. 2d.

The Hundred of Norhtcur'.

171. John son of Gilbert Gule, and Robert de Gyverny and Warin and Philip his brothers, accused of theft, do not come, and nothing is positively known about them. Therefore let them be in peace. Moreover it is testified by the knights of the county that this charge was made in the time of the war, and that they are lawful men.

for the death of her *son*. The men were exacted in the county court, and the King's writ removing the appeal from the county court to Westminster, "for Ralph of Goldington the coroner is Aubrey's kinsman, and it is said he favours her in this plea," is set out on p. 21. In the same volume, p. 35, we find the King, by his writ, ordering the observance of the Charter, that no person be arrested on the appeal of a woman save for the death of her husband, nevertheless a day was given to the appellor, who appealed the slayer of her brother, to appear before the justices. This was in 4 Ed. I. In this case the appellee, though four times exacted, was not outlawed in the county court by reason of this command of the King.

[1] "*qui se fecerunt clericos.*"

[2] See No. 163.

[3] *Ibid.*

171*a*. Walter de la Breche and Robert and Elias his brothers, accused of burglary of the house of Robert de Bello Campo, come and defend everything, and put themselves upon the country. The twelve jurors and the townships and the jurors of the hundred of Abbedic come and say upon their oath that they do not suspect them. Therefore let them be liberated under pledges.

All the jurors are in mercy for their false presentment.[1]

172. Richard le Futur' killed Roger Doket and fled. He abode in Lillesdon' in the tithing of Walter de Hereford'. Therefore it is in mercy. No other is suspected. Therefore let him be exacted and outlawed. Richard's chattels [are worth] 4*s*., for which the sheriff must account.

172*a*. Osbert son of John de Stokes killed Thomas son of Beatrice de Thome and fled. He was in the tithing of Stokes. Therefore it is in mercy. He is suspected ; therefore let him be exacted and outlawed. He had no chattels.

173. Martin de la More, Robert his brother, Robert son of Jordan Gulie, and Gilbert Odde, accused of theft and of harbouring thieves, come and defend the whole, and put themselves upon the country. An inquest was held at Nortcuri by Jordan Oliver, and his associates sent for that purpose, and they all say that [Martin and the others] are thieves. Therefore [to judgment (in the margin)].

Then follows a statement of their chattels. The chattels of "Gilbert" are worth 18*s*., of "Robert Gulie" 7*s*. 6*d*., for which the sheriff must account. "Gilbert" (apparently a mistake for Martin) had no chattels. The chattels of the other Robert are stated to have been worth 9*s*. 6*d*., but this entry is struck out and a note added : "*dicitur pro dicto uxori Roberti*."

Hundred of Wileton'.[2]

174. Reginald Gupil of Kantekeshavd',[3] suspected of theft, fled. He was in the tithing of Litelcantekeshaved, and therefore it is in mercy. He is suspected of many thefts. Therefore let him be exacted and outlawed. He had no chattels.

175. Aldina de Pernesfeld, attached for harbouring malefactors, is not suspected. Therefore let her be liberated.

176. William Berd, suspected of theft, fled. He was in the

[1] This appears to be a separate entry upon the roll. *Quære* to what it refers.
[2] Williton.
[3] Quantockshead.

tithing of the vill of Radingeton'. Therefore it is in mercy. He is suspected of more thefts. Therefore let him be exacted and outlawed. He had no chattels.

177. William Ded of Stoke Gunner[1] killed Randal de Hicford' and was taken in the act and imprisoned at Ivelcestr', and he escaped with other prisoners. Therefore if he should be found let him be treated as outlawed. His chattels are worth 9*s.* 2*d.*, for which Peter de M[allo] must answer.

178. Two thieves with two stolen horses were being chased, so that they left the horses before the house of John de Reigni. And the horses were taken and no one followed them. Therefore [the horses] are the King's. Their value is 8*s.*, for which the sheriff must account.

179. Concerning the malefactors of the manor of Crawecumb'[2] who are taken. (In the margin is "*loquend*": this must be further discussed.)

The Hundred of Chiw.

180. Robert Woderove, suspected of theft, comes and defends the whole, and puts himself upon the country for good and ill. The jurors and four townships of this hundred know nothing concerning him.

181. Gilbert Wudecot and Richard his brother killed William son of Wodward, and fled. They were in the tithing of the vill of Chiw, therefore it is in mercy. And Alwina mother of [William] made suit for his death in three county [courts]. Therefore let her suit proceed until they are outlawed. They had no chattels.

182. John Herolf killed Roger de Bremhull' with an arrow and fled. He abode in the vill of Sutton without frank-pledge. Therefore it is in mercy. He had no chattels. No other is suspected. Therefore let him be exacted and outlawed.

The Hundred of Welewe.

183. Robert Dun, suspected of theft, fled, and was in the tithing of the vill of Cumb' of Thomas de Haweie; therefore it is in mercy. He is suspected of many thefts. Therefore let him be exacted and outlawed.

[1] Stogumber.

[2] Crowcombe.

184. Henry Frankelain (? the franklin) brother of the same [Robert Dun], accused of harbouring him, comes and is suspected. And the township of Cumb' [of] Thomas de Haweie presented him as a harbourer of his brother and afterwards retracted. Therefore it is in mercy. Let him be liberated.

185. Roger, a man of Devon (*Devoniens*), killed Alvred de Dunkerton, and was taken and imprisoned in the vill of Welewe. He escaped from the prison of the Earl of Salisbury in Welewe; therefore the township is in mercy. He escaped to the monastery, confessed the death, and abjured the realm. His chattels [are worth] *6d.*, for which the sheriff must account.

The Hundred of Abbedik'.

186. Thomas de la Pitte killed a certain forester [named] Adam Brun and fled. He was in tithing of the vill of Hilecumb'. Therefore it is in mercy. He is suspected. Let him be exacted and outlawed. He had no chattels.

187. Randal le Ball' (? the bailiff), accused of theft, fled. He was in tithing of the vill of Curi Malet. It is therefore in mercy. He is suspected of many thefts. Let him be exacted and outlawed. He had no chattels.

188. William de Cappilond' killed Robert Coppe and fled. And Geoffry de Kuri was accessory with him (*fuit in fortia cum o*), and they fled. William was in tithing of the vill of Kuri Malet. Therefore it is in mercy. Geoffry was of the mainpast of Richard del Estr', who has died. Both are suspected of that killing. Let them be exacted and outlawed. They had no chattels.

189. Walter the fair haired (*Albus*[1]) abjured the land of our lord the King in the time of King John for the death of Robert the basket maker (*Corbiller*), and afterwards returned and abode in the vill of Stineleg'. The township knew this and did not take him. Therefore it is in mercy. Let him be dealt with as if outlawed. His chattels are worth 2 marks, for which the sheriff must answer.

190. Roger le Syur of Cumbe killed William the tailor by a stone and fled. He was a vagrant (*itinerans*), and is sus-

[1] He is called "Walter Blundus" in the Amercement Roll (No. 383). The two descriptions taken together seem to mean "the fair or yellow haired."

pected of that death. Let him be exacted and outlawed. His chattels [are worth] 8*d.*, for which the sheriff must answer.

191. Robert Wade, suspected of theft, fled to the church and abjured the realm. He was of Devon. He had no chattels.

192. Owain' and Richard son of Gervase de Bikehall killed William son of the parson of Thorn', and they fled. They were of the mainpast of Gervase their father, who has died. Richard was afterwards hanged for theft. Let Owain' be exacted and outlawed.

The Hundred of Bulestan'.

193. Robert and Luke sons of William Walens of Staweie, accused of consorting with malefactors, come and defend everything, and put themselves on the country for good and ill. And twelve jurors and the four townships of Curi Malet, Fifehide, Hile, and Kathangre say that they are lawful men. Therefore let them be liberated.

194. Walter Wakewal, taken upon the appeal of a certain woman for robbery, was put in gaol, and escaped with other prisoners. Therefore let him be treated as if outlawed, because it is testified that he is the worst. He had no chattels.

195. Roger Godefrei, accused of theft, comes and defends the whole, and puts himself upon the country. And twelve jurors and the aforesaid four townships say that they do not suspect him. Therefore let him be liberated.

196. Herbert Quarrel killed Walter de quercu of Douliz[1] and fled. He was in the tithing of Ralph Wak' of Douliz. Therefore it is in mercy. He is suspected of that death. Let him be exacted and outlawed. He had no chattels.

197. Peter Waingeben and John the ploughman (*carucarius*), accused of being present where Herbert killed him [Walter in previous entry], come and defend the whole, and put themselves upon the country. And twelve jurors and the four townships aforesaid say positively that they did not kill him. Therefore let them be liberated.

198. Odo de Huleham, accused of harbouring thieves, comes and defends the whole, and puts himself upon the country for good and for ill. And twelve jurors and the four townships of

[1] Dowlish.

Elmenistre,[1] Pukinton',[2] Bo . . . and Doueliz say that he is not guilty. Therefore let him be liberated.

THE HUNDRED OF HARECLIVE.

199. James the forester, accused of the robbery of the house of Henry de Budecumb', does not come. He is suspected. Let him be exacted and outlawed. He was wandering about a little time ago with John de Florentin the constable (*fuit itiñans aliqñ cū Joħe de Florentin constabit.*)

200. Philip the shepherd and William Fugel, accused of theft, have fled. They were in the tithing of Adam de Eston in Eston. Therefore it is in mercy. They are suspected. Let them be exacted and outlawed. Philip's chattels are worth 12*d.*, William's 18*d.* William's 2*s.* 6*d.*, Philip's . . . [1*s.* 10*d.*?][3]

The next entry is too fragmentary for reproduction.

Memb. 3.

THE HUNDRED OF HARETHURN'.

201. Thomas de Feregare of Holewall, accused of theft, comes and defends everything, and puts himself upon the country for good and ill. And twelve jurors and the four townships of Holewall, Hengestering, Trente, and Stawell say positively that he is a thief [guilty] of many thefts. To judgment.[4]

202. William Penne of Cherleton killed Walter Aungerin' with a certain knife and fled. He was in the tithing of the vill of Cherleton. Therefore it is in mercy. He is suspected. Let him be exacted and outlawed. His chattels [were worth] 18*s.* 1*d.*, for which the sheriff must account.[5]

[1] Ilminster. [2] Puckington.

[3] These additions were no doubt due to later information. The values thus stated were put in the schedule (No. 383) at a figure which is partly illegible: it may be 10*s.* 6*d.*, which would perhaps be a slip of the pen for 6*s.* 10*d.* Apparently it was thought necessary to have more inquiry made, with the result that upon the return of the inquisition it appeared that William's chattels were worth yet another 1*s.* and Philip's 10*d.* These figures were therefore put in the supplementary schedule (No. 384).

[4] *Ad jud.* in the margin.

[5] In the margin is a note—let inquiry be made as to his chattels. The result of the inquiry appears (see No. 385) under "Wm. Penning." The value being entered with the plea, it gets into the first Amercement Roll (No. 383).

203. William de Cumb', brother of Maurice the chaplain, killed Roger, the Devon man, and fled. He was not in frank-pledge because he was a vagrant (*itinerans*).[1] He is suspected of that death. Therefore let him be exacted and outlawed. His chattels [were worth] 2*s.*, for which the sheriff must account.

204. Roger son of Emma was found killed in the fields of Corston, and William Stul' was attached for that death. He comes and is not suspected. Therefore let him be liberated. No one knows who killed him.

205. William Godinogh struck Adam Coffin with a certain knife, and fled to the monastery (or church? *monasterium*), because he thought he [Adam] would die, and he has abjured [the realm]. Adam recovered, and has taken no harm.

The Burgh of Mileburn.

206. Richard Pocok' was found killed in the fields of Sireburne in Dorset, and Arnold Dule was attached because he was wont to entertain him [Richard] at his house, and he comes. The jurors of this hundred [and the jurors] of Harethurn and the jurors of Mileburn say that he is not guilty. And because he [Richard] was found in the county of Dorset let it be considered there, and let fuller inquiry be there made. Afterwards a fuller inquiry was made in the hundred of Sireburn'.

207. Walter le Wykere[2] killed William the foolish one (*le Fol*) in the vill of Mileburn and fled. The jurors say that he was killed after dinner at a wrestling (*ad luctam*) in the middle of the town, and because they [the township] did not pursue him, or take him, they are in mercy. He is suspected of that death. Let him be exacted and outlawed. He had no chattels.

The Hundred of Keynesham.

208. Henry de Stanton, accused of robbery in Ferberg' and in Hundesture,[3] whereof a certain Margery, who was bound (*que ligata fuit*), appealed him, comes and defends the whole, and

[1] That is, was not a resident. He had no settled abode in the place.

[2] "*wica*" or "*wyka*," a country house or farm; "*wicarius*" or "*wikarius*," a keeper of a *wica*; *pace* C. T. Martin.

[3] Farmborough and Houndstreet.

puts himself upon the country for good and ill. And twelve jurors and the four townships of [1]Stanton', Preston', Chaleworth, and Cumton'[1] say positively that he is not guilty. Therefore let him be liberated and be under pledge[3].

209. William Bagga and Geoffrey his man were killed at Hawode, in the wood (*nemore*) of Roger de Clifford. It is not known who killed them. Therefore let the matter remain for discussion against another coming [of the justices].

210. William the shepherd (*bercarius*) of Dene killed Geoffry Doggesem and fled. He abode in the vill of Cumton'[2] without frank-pledge. Therefore it is in mercy. He is suspected of that death. Let him be exacted and outlawed. He had no chattels.

The City of Bath.

211. Robert the merchant of Dorkecestr was found with a little (*filo*).[3] Because he was pursued by no one, nor is anything known of him, he being a stranger, let him be liberated.

The Hundred of Hundesburg.'

212. Nicholas the gardener killed Gunnild' de Norton because she would not permit him to rape her daughter, and fled. He was in the tithing of the vill of Wiggeberg'[4]; therefore it is in mercy The daughter sued in three county [courts]. Let her prosecute her suit and Nicholas be exacted and outlawed. Inquire as to his chattels in the tenement where he abode (*sup teñ ubi mansit*).

The Hundred of Frome.

213. John Levething' the harper and Geoffry the harper, suspected of theft, fled. And because they are suspected of many thefts, let them be exacted and outlawed. They were not in tithing because they were itinerants, to wit, minstrels. Alice formerly the wife of Randal the harper, is suspected because she harboured them. Let her be exacted and waived. They had no chattels.

[1]—[1] Stanton Drew or Stanton Prior, Priston, Chelwood, and Compton Dando.
[2] This place is called "Cumpton' Godfr'" in the Amercement Roll (No. 383).
[3] I must confess my ignorance of the meaning of this word in this connexion.
[4] Wigborough.

214. Gilbert the miller of Bekinton and Henry son of Ralph of Linham, suspected of theft, fled. Henry was in the tithing of the vill of Wandestre[1] of Oliver Avenal; therefore it is in mercy. And because they are suspected let them be exacted and outlawed. They had no chattels.

215. Adam de Bradeleg' killed Peter son of Gervase de Glasford' with a certain cudgel and fled. He was an itinerant carter (*carectarius itinerans*) and is suspected. Therefore let him be exacted and outlawed. He had no chattels.

The Hundred of Cruk'.

216. Simon de Shiteroc, taken for the death of John de Cruk', comes and defends the whole. The bailiff of our lord the King of the hundred says that when he took him on the morrow after the deed was done he confessed that death before him [the bailiff] and many other men, and he produces a whole tithing which testify this. And Simon afterwards testified that he was present at the killing, and that Elias, brother of the dead man, killed him. And being asked what he did, said that he did nothing, nor showed others, nor raised the hue. And twelve jurors say positively that Simon and no other killed him. And because the bailiff produces suit that he confessed before him, let him [Simon] be hanged. Inquire as to his chattels.[2]

217. Ralph son of Hubert le Taile, accused of theft, fled. He was in the tithing of the vill of Meriet. Therefore it is in mercy. And because he is suspected of many thefts let him be exacted and outlawed. His chattels [were worth] 10*s.*, for which the sheriff must account.

218. Adam de Waldreresheng killed Richard le Stuvard and fled. He was in the tithing of the vill of Waiford. Therefore it is in mercy. He is suspected of that death. Therefore let him be exacted and outlawed. His chattels [were worth] 9*s.* 4*d.*, for which Peter de Mallo must answer.

219. Geoffry le Taillur of Erneshill, accused of theft, fled. He was in the tithing of the vill of Meriet. Therefore it is in mercy. He is suspected of many thefts. Therefore let him be exacted and outlawed. His chattels were worth 4*s.*, for which the sheriff must answer.

[1] Wanstrow.

[2] Marginal note "*Susp'. Inqir de catall'.*"

The Hundred of Bernestan'.

220. Stephen Walls' and Walter le Jay are accused of the death of William Everard. [This must be more fully inquired into in the Hundred of Brente.[1]]

221. Simon le Horder was [wounded[2]], and it is not known whether he was killed or not, or in what way it happened, but Robert Stede was attached for that death. And because it is not known whether [Simon] was killed or not, let the whole matter remain to be discussed on the coming of the justices in eyre.

The Hundred of Karenton'.[3]

222. William Stonman is suspected of theft. Let him be taken because he is suspected of many thefts.

223. William Fauder and John Portman, suspected of robbery of the church of Dunestor' and of the money (*denar'*) of Ralph le Tort and of other misdeeds, have fled. They abode in the vill of Dunestor' without frank-pledge. Therefore it is in mercy. And because they are suspected of many thefts, let them be exacted and outlawed. They had no chattels.

224. Robert de Ar[4] killed Walter the chaplain of Ar and was taken. He comes and defends the whole as a clerk. The jurors say positively that he killed him [Walter], and that he wounded Gervase the chaplain's son, who is present and says the same. And because he is a clerk let judgment be respited. Let him be in custody. Nobody claims him.[5]

225. William de Hulle killed Ralph de Hulle and fled. He was in the tithing of the vill of Withicumbe. Therefore it is in mercy. No one else is suspected. Therefore let him be exacted and outlawed. His chattels were worth 6*s.* 4*d.*, for which Peter de Mallo must answer.

226. Thomas Leggegode, suspected of theft, fled. He was not in frank pledge, because he was a forester. Because he is suspected of many thefts, let him be exacted and outlawed.

[1] Marginal note.
[2] Word obscure. *Quære acieratus*, wounded by an axe. See No. 149.
[3] Carhampton. [4] Oare.
[5] That is, no ordinary seeks to take him out of the hands of the King's justices.

THE BURGH OF DUNESTOR'.

227. Knows nothing further.

Memb. 3d.

THE BURGH OF STAWEIE.

228. Knows nothing beyond the aforesaid.

THE BURGH DE CAPITE MONTIS.[1]

229. Jordan Chagge killed William Aleavin and fled. He was in the tithing of the Burgh de Capite montis. Therefore it is in mercy. And Alice wife of William has sued in three county [courts]. Therefore let her continue her suit until [Jordan] is outlawed. His chattels are worth 22*s.*, for which the sheriff must answer. [He has] a house.

THE HUNDRED OF PORTBURI.

230. Knows nothing.

THE HUNDRED OF BRIWTON'.

231. Robert the miller of Middelton and Robert his son killed Geoffry de Albo Monasterio, and fled to the monastery. They confessed the death and abjured the realm. Their chattels were worth 12*d.*, for which the sheriff must answer.

232. Reginald le Nappere, accused of the death of Gregory the shepherd (*Berkar'*), comes and defends the whole, and puts himself upon the country for good and ill. And twelve jurors and the four townships of Brutton, Wike, Gerlingeton', and Redlinch ——[2]

233. Herbert Drail, accused of the death of the beforenamed Geoffry and of theft, comes and defends the whole, and puts

[1] This ancient burgh is mentioned in No. 304 in this volume under the French form of Chefdelmunt. It was probably the Doneham of the Domesday Survey, and it almost certainly corresponds with the modern Downend in Puriton. Chedesmund is mentioned as a hamlet in 1280. (*Placita de Quo Warranto*, p. 690. See also Collinson, vol. ii., pp. 396, 397.)

[2] The entry ends abruptly thus. See, further, No. 236.

himself [upon the country]. Twelve jurors and the four townships aforesaid ——[1]

234. And Godfrey le Duc, accused of harbouring thieves, comes and defends the whole, and puts himself upon the country.

235. Hamo Wrige of Diggenescove,[2] accused of theft, comes and defends the whole, and puts himself upon the country.[3]

236. Eudes de Wolton',[3] accused of harbouring thieves, comes and defends the whole, and puts himself upon the country. And twelve jurors and the aforesaid four townships say that Reginald (see No. 232) is not guilty because Gervase son of Walter, who fled, killed him [Gregory the shepherd], and he was in the tithing of the vill of Almundeford.[4] Therefore it is in mercy. Let him be exacted and outlawed.

237. Concerning Herbert Drail, they say that he is guilty of the death of his lord (Geoffry de Albo Monasterio: see Nos. 231 and 233) and of many thefts. Therefore let him be hanged.[5]

238. Concerning Hamo Wrige and Eudes de Wolton', they know nothing but what is good and lawful. Therefore let them be liberated.

239. Concerning Godfrey le Duc, they say that they know that he harboured his son, who was a thief. Therefore let him be hanged.[6]

240. Waldrick de Hunewic' and Emma his wife were attached for the death of a certain merchant killed in Waldrick's house. Emma comes and defends the whole, and puts herself upon the country for good and ill. Waldrick does not come, having fled. He was attached by Payn de Nortb'ga, Roger the skinner (*pelliparius*) of the same vill, William the reeve of Hunewik', Osbert de la Brok', Robert Cokerel, Hugh Long, Ralph son of Peter, William de Viscunta, William son of William the Reeve, Colin (*colenianus*) the hayward, Alfred de la Broke, Edward son of Godwin; therefore they all are in mercy. The aforesaid jurors and the aforesaid four townships say positively that Wandric is not guilty because he was

[1] The entry ends here, and the next two entries run on successively. The entries hereabouts are much mixed.
[2] Discove.
[3] See No. 238.
[4] Almsford.
[5] There is a marginal note here—"*ad jud.*"
[6] *Ibid.*

not in the house that night, but that Solomon and Osbert, Emma's brothers, killed [the merchant], and Emma was a consenting party, and was then ill, and, otherwise than under pressure by the bailiff after six weeks from the deed, she did not reveal the matter. Therefore it is suspected that she is guilty of consent, and [to judgment[1]]. [She was] in custody until she brought forth, and afterwards she fled. And let Waldrick be under pledges if he should return. And Hamo and Eudes were taken, and escaped from gaol with other prisoners. And Solomon was afterwards taken and beheaded. As for Eudes, let him be treated as if outlawed.[2]

241. Roger le Blake of Woleton, accused of theft, fled. He abode in Cherlinton' without frank-pledge. Therefore [the vill] is in mercy. Let him be exacted and outlawed. He is suspected of many thefts. He had no chattels.

242. Robert Pipelere of Bruweton', accused of theft, fled. He was in the tithing of the vill of Westbruton. Therefore it is in mercy. He is suspected of many thefts. Let him be exacted and outlawed. He had no chattels.

243. Henry the ploughman (*carucator*) of Middelton and Adam the tailor of Bruton and Geoffry the cobbler, attached for injuring (*brusura*[3]) a certain chapel, are not suspected. Therefore let them be liberated.

The Hundred of Andredesfeld'.

244 Knows nothing.

The Hundred of Bruweton'.

245. Robert Bondedut and John Sewarius (? *the sewer*), accused of harbouring thieves, are not suspected, and therefore they are liberated.[4]

[1] *ad jud'*. in the margin. The words which follow, "*in custodia donec pepit p' fu'*", were added later. I cannot make anything of "*pereperit*," so treat it as a slip for *peperit*.

[2] *Quære* whether "Hamo and Ewdes" are not mistakes for "Salom' and Osb'." Hamo and Eudes were tried and discharged: see No. 238.

[3] Glossaries render this word as "bruising" in the ordinary sense: see Ducange, amongst others. See No. 277, where the word is used in connection with a house.

[4] This case seems to have been omitted from its proper place with the other cases of the hundred. Perhaps it was overlooked or not ready when the other matters relating to the hundred were being considered.

The Hundred of Chiwton'.

246. John Burrell, attached upon suspicion (*pre suspicione*) is not suspected. Therefore let him be liberated.

The Hundred of Whitstan.

247. Richard le Franceys was taken for the death of Robert son of Goldina, and the serjeant of the Abbot of Glaston' received him when taken.[1] Afterwards he [Richard] was captured, and he defends the whole, and puts himself upon the country. Therefore the sheriff of Somerset is ordered that he should convene the four neighbouring hundreds in full county [court] before him, and Jordan Oliver, John de Reyny, and Ralph de Lidiard', and by their oaths diligently make inquest, etc., and according to such inquisition do give judgment.

248. Hugh Brockere, Richard Lolling, Alan son of Thurkill', accused of the aforesaid death, did not come.[2] And twelve jurors of Kymaresdun', where the deed was done, say positively that Robert was killed, and that all are guilty of that death, and they have fled. Let them be exacted and outlawed. They were in the tithing of Aswike. Therefore it is in mercy.

249. Robert le Batur' of Batecumb', accused of theft, fled. He is suspected of many thefts. Let him be exacted and outlawed. He abode in the vill of Batecumb' without frank-pledge. Therefore it is in mercy. He had no chattels.

250. Eustace de Durevill', accused of burglary and other misdeeds, was taken, and put in prison at Ivelcestr'. He broke gaol[3] and fled to the monastery and abjured the realm. He had no chattels.

251. Thomas Beiniy and Godfrey Waspail', accused of burglary, come and are not suspected. Therefore let them be liberated.

[1] There is a marginal note here that "this must be discussed." The rest of the entry would appear from the handwriting to have been added later, probably after the hundredors had left. Prof. Maitland suggests this ("Select Pleas of the Crown," Seld. Soc., p. 119). See No. 173 for another case of inquest.

[2] There is a marginal note to the effect that this also must be discussed and the accused be referred to Kymaresdun'.

[3] See No. 115 note, and many other cases in this roll. The gaol at Ilchester seems to have been repeatedly broken.

The Hundred of Catthesasse.

252. Thomas the hayward, accused of robbery, comes and is not suspected. Therefore let him be liberated.

253. Hugh de Patele and Nigel his son, accused of theft, come and defend the whole, and put themselves upon the country.[1]

254. Peter son of Robert de Grave, accused of theft, comes and defends the whole, and puts himself upon the country.[1]

255. Roger le Gelus, taken for the death of Geoffry Golde, comes and defends the whole. And it is not known whether he killed the dead man or not, because it is not known in what way it happened, and he puts himself upon the country for good and ill. And twelve jurors and the four townships of Abbot's Cammel, Barewe, Stipelkari, and Sparkeford' say that Hugh de Patele and Nigel his son (see No. 253) are thieves. Therefore let them be hanged. Concerning Peter (see No. 254) and Roger le Gelus, they say that they are not guilty. Therefore let them be liberated.

256. Henry le Teinguus killed Wilkin le Vilur and fled. He was an itinerant groom (*garcio itinerans*), and he is suspected of that death. Let him be exacted and outlawed.

257. Nicholas le Franceis of Berton', accused of theft, fled. He was in the tithing of the vill of Berton'. Therefore it is in mercy. He is suspected of many thefts. Let him be exacted and outlawed. He had no chattels.[2]

Memb. 4.

The Hundred of Sutperton'.[3]

258. Walter Wakewel was taken for robbery and imprisoned at Ivelecestr'. He broke gaol and escaped. Therefore let him be treated as if outlawed. He had no chattels.

259. Richard de Barnevill', suspected of theft, fled. He was a free man and a vagrant (*itinerans*). He is suspected. Let him be exacted and outlawed. He had no chattels.

[1] See No. 255 for the result.

[2] No inquiry as to his chattels is expressly directed. Nevertheless, such was made (see Nos. 384, 385.) Probably on later information it was ordered.

[3] South Petherton.

260. Walter Black killed Adam de la More and fled. He was a free man and a vagrant. He was sued for that death by Radinda, [Adam's] wife, in four county [courts] and outlawed. Therefore let him be treated as an outlaw. His chattels [were worth] 15*s.* 4*d.* [He had] a rent of 11*s.*

261. Thomas le Ware of Stanton killed Christiana de Stanton and fled. He was a vagrant, and therefore without frankpledge. He had no chattels. Let him be exacted and outlawed.

The Hundred of Sumerton'.

262. Henry the miller of Boimul'n (?), attached upon an accusation of harbouring thieves, comes and is not suspected. Therefore let him be liberated.

263. Simon de Kingesdon' killed Boeis de Kingsdon' and fled to the monastery, confessed the death, and abjured the realm.

The Burgh of Lamport'.

264. Knows nothing.

The Hundred of Mertok.

265. Walter Bule of Kote killed his wife and was taken and died in prison. His chattels [were worth] 2*s.*, for which Peter de Mallo must answer.

266. Adam Leveles and Richard his son, accused of theft, have fled. They are suspected. Let them be exacted and outlawed. They were in the tithing of the vill of Esse. Therefore it is in mercy. Let inquiry be made as to their chattels.

267. Osbert Cath', accused of theft, comes and defends the whole, and puts himself upon the country. And Anketil' de Scompeton', Adam Laure, Geoffry Maidens, Reginald Kipping, Osbert Cole, and Walter Glide, accused of thefts and of harbouring thieves, come and defend the whole, and put themselves upon the country. The twelve jurors and the four townships of Stapleton', Cotes, Hanton Mertoc,[1] and Esse say that all are lawful men. Therefore let them be liberated.

[1] The addition of Mertoc distinguishes this Hanton (now Henton) from Hinton St. Geogre and Hinton Charterhouse.

THE HUNDRED OF WITHELEG'.[1]

268. Godfrey Cath' of Holeford, suspected of harbouring thieves, fled. He was in the tithing of the vill of Holeford; therefore it is in mercy. He is suspected of many thefts. Let him be exacted and outlawed. [He had] no chattels.

269. Robert Tropinel, suspected of theft, comes and defends the whole, and puts himself upon the country for good and ill. And twelve jurors and four townships say positively that he is a lawful man. Therefore let him be liberated.

270. Richard Ruff' of Budukeleg',[2] accused of theft, fled. He was in the tithing of the vill of Buthukeleg'. Therefore it is in mercy. He is suspected of many thefts. Let him be exacted and outlawed. He had no chattels.

271. William Piperwhit killed William Romo and fled. He was in the tithing of the vill of Chanton'. Therefore it is in mercy. He is suspected of that death. Let him be exacted and outlawed. His chattels [were worth] 32*d.*, for which the sheriff must answer.

272. Richard de Brente son of Adam Thurbern', accused of theft, comes and defends the whole, and puts himself upon the country. And twelve jurors and the townships of Brente, Suthbrente, Linpelesham, and Burneham say that they do not suspect him except concerning a colt (*de uno pullo*) which he took in madness at a time when he was lunatic. Therefore let him be under pledges until more shall be known.

THE HUNDRED OF KINEMEREDUN'.[3]

273. Henry de Rugehide killed Reginald, the man of Henry de Curtenay, and fled. He was not in tithing, because he passed himself off as an itinerant clerk (*quia fecit se clericum itinerantem*). He is suspected of that death. Let him be exacted and outlawed.

274. Stephen Clay of Emigton',[4] John his son, and Geoffry le Burser', accused of robbery and burglary, come and defend the whole, and put themselves upon the country for good and ill. And twelve jurors and the four townships of [5]Boclande, Hardington', Wateleg', and Melles[5] say that they do not suspect them. Therefore let them be liberated.

[1] Whitley. [2] Butleigh. [3] Kilmersdon.
[4] Hemington. [5–5] Buckland Denham, Hardington, Whatley, and Mells.

The Hundred of Bedministre.

275. Joceus the carpenter killed his wife and fled. He was in the tithing of the vill of Bedministre; therefore it is in mercy. He is suspected of that death. Let him be exacted and outlawed. His chattels [were worth] 4*s.*, for which the sheriff must answer.

276. David son of Geoffry, accused of burglary in the house of Matilda de Heidun', was taken and put in the prison of the Abbot of Glaston' at Melnes. He escaped from prison; therefore to judgment for the escape. It is testified by all the jurors that David caused burglars to enter the house, to wit, Geoffry the harper and John Levething', who are elsewhere suspected,[1] and the steward of the Abbot is present and admits the escape, and says that Peter de Mallo took 100*s.* for it. Therefore that must be inquired into. Let David be exacted and outlawed. Peter must restore [the 100*s.*] to our lord the King.

277. Adam le Flogerare was accused of injuring (*de brusura*)[2] the house of Hugh the fuller. He is suspected. Let him be exacted and outlawed. He had no chattels, and he was in the tithing of the vill of Melles. Therefore it is in mercy.

Memb. 4*d.*

The Hundred of Stanes.[3]

278. Philip de Spallers, suspected of theft, comes and defends the whole, and puts himself upon the country. And twelve jurors and the four townships of [4]Estington', Givele, Mudford, and Merse[4] say positively that they rather believe him to be a thief than a lawful man, and they show sufficient reasons. [Therefore to judgment.[5]] He has been hanged. Inquire as to his chattels. He had land and chattels.

279. Robert the Irishman, suspected of theft, fled. He was a wanderer, and therefore not in tithing. Let him be exacted and outlawed.

[1] In the Hundred of Frome: see No. 213. The culprits were a band of itinerant minstrels, who seem to have combined burglary with their ostensible occupation. Peter de Mallo was the sheriff.

[2] See note to No. 243.

[3] Stone.

[4–4] Ashington, Yeovil, Mudford, and Marsh.

[5] Marginal note. The rest of the entry was made later.

280. Roland and Randal, sons of Roland Avenel, killed Sybil, the Norman woman, in the house of Nicholas Avenel. They had come from Normandy, and they forthwith fled thither. No other is suspected of that death. Let them be exacted and outlawed.

281. Hugh Swere killed Richard son of Yerild, and fled. He was in the tithing of the vill of Edelestan'. Therefore it is in mercy. No other is suspected. Let him be exacted and outlawed. His chattels [were worth] 6*s.* 4*d.*

282. Mabel daughter of Derwin' was playing with a certain stone in Givele,[1] and the stone fell on the head of Walter Critele, but he suffered no harm by the blow. He died afterwards within a month from sickness, and she in fear fled to the church. [The jurors] say positively that [Walter] did not die from that blow. Therefore let her be in custody until the King be consulted. [Her pledges are] William Derwin', Henry Derwin', Richard de Stana, Nicholas Derwin, Hugh Derwin', Edward the cobbler, Norman son of Paie, and Herbert son of Richard.

The Hundred of Dulverton'.

283. Knows nothing.

The Hundred of Wrington.

284. Gilbert de Benre was found killed in the water at Wrington, and William Russel, then beadle, was taken for that death and imprisoned at Glaston'. Therefore to judgment for the evasion.[2] And twelve jurors suspect him of that death. Therefore let him be exacted and outlawed.

The Hundred of Bruneland'.

285. William son of Harding de Finecumb' killed Richard Blund of Lidiard' and fled. He was in the tithing of the vill of Exeton'. Therefore it is in mercy. He is suspected of that death. Let him be exacted and outlawed. His chattels [were worth] 4*s.* 5*d.*

[1] Yeovil.
[2] Obviously he escaped from prison, although it is not so stated.

Memb. 5.

286. Joice de Baiocis in mercy for default.

287. Elias Beket in mercy for default.

288. Drogo de (Stretton *erased*) Stanton in mercy for default.

289. William Maureward and Luke de Barri in mercy for default. (Two other names were included in this entry—Henry de Bikesande and Andrew the smith—but they are struck out, with the addition of a note—"*venit*"—in each case.)

290. John de Cinnoc in mercy for default. Jordan Blundel in mercy for the same, and likewise Robert Chanu and Thomas de Mariscis.

291. William de Kemelecumbe (*struck out*) in mercy for default. (A note is added that he is essoined and has a day given him.)

Pleas of Assize.

292. The assize comes to recognise whether J. the Bishop of Bath, unjustly and without judgment disseised Henry de Ortiaco of his common of pasture in Westour' which appertains to his free tenement in the same vill, since the last, etc. Afterwards Henry comes and retracts and does not wish to proceed. Therefore the Bishop [goes] without a day, and Henry and his pledges to prosecute, to wit Robert the cook (*cocus*) and Robert de Dilinton', are in mercy.

293. The sheriff was enjoined that he should cause to be recorded[1] in his county [court] the suit which was in the same county [court] between William Maltravers, claimant, and John Maltravers, tenant, of one Knight's fee with the appurtenances in Givle,[2] wherein the aforesaid John complained that a false judgment was done to him in the same county [court]; and the sheriff of Somerset was further enjoined that he should cause such record to be made, and that he should have it before

[1] The county court did not keep a record in writing of its proceedings. When a matter was removed thence to a superior court on a writ of false judgment, the proceedings in the county court were ordered to be recorded. This was done by recapitulating the proceedings in the county court, in the presence, amongst others, of the knights whose duty it was to bear record at Westminster. Perhaps the record so made was written; but, written or not, the statement by the knights of what had taken place in the county court bound the county.

[2] Yeovil.

the justices at Westminster upon the complaint of John. And the suit remained without a day by reason of the death of John, and [the sheriff was instructed] that he should have the record before the justices at Westminster on the octave of Michaelmas by four,[1] etc., and that William be summoned to hear the record, and to reply thereto. And upon this, our lord the King commanded that the justices assigned to take assizes of novel disseisin and to make gaol delivery should hear that record in the condition in which it was summoned to Westminster. And William does not come, and the whole county records that it directly disputes that judgment by which the same William recovered seisin of the aforesaid land against the same John. But they [the knights] wish to tell the truth, that William bore the King's writ of right against John of the same land. And at length, after essoins and view sought of the land, and after many delays, the same John appeared in full county [court] and answered that William had no right in the land, because a fine concerning the same land was made in the court of John, Count of Moreton',[2] who afterwards was King of England, and he produced the chirograph made between Walter Maltravers, John's eldest brother, and John Maltravers, father of Walter and John, by which chirograph the land ought to remain to John the son. And William replied to the chirograph that it ought not to hurt him, because it was not made in the King's court. And Roger de Forde, then sheriff, supported William, because he was yeoman (*valettus*) to Peter de Malo Lacu, his lord, and was wishful that the county court should give judgment that William should have his seisin, and the county [court] wished to do nothing in the matter, and withdrew, except two or three who remained until the hour of vespers. So that at last Roger said to them that remained that they should fearlessly make judgment, and that he would warrant them in this. And when John heard this, suspecting that injury would be done him by Roger the sheriff, he replied that as the chirograph could not support him, he put himself upon the grand assize of our lord the King, and claimed a recognition whether he had the greater right in the land or William. And Roger the

[1] *i.e.* by four knights, who were present at the making of the record, and who were ordered by the sheriff to attend the superior court. See Glan., lib. viij, c. 9 and 10.

[2] Mortain.

sheriff answered that this ought not to help him, nor should there be an assize between them, because he [John] first willed to defend himself by the chirograph, which ought not to support him, and therefore he could not have any other answer. And for this reason Roger, and the two or three who were with him, adjudged to William his seisin without the assent or will of the county [court], and that in no other way had [William] seisin. This [the county] offers to prove, as the court shall consider. To judgment.[1] A day is given them to hear judgment on the octave of Michaelmas at Westminster. William essoins himself.

294. The assizes of novel disseisin which William de Eston' and Cicely la Butyllere have arraigned against Maurice de Gant concerning pastures in Wolwardeston and Wildemareis are postponed until the first month after Michaelmas at Westminster by writ[2] of our lord the King, because Maurice is in the service of our lord the King in Wales. And Cicely puts in her place Ralph de Wolhaumton, or Nicholas son of Gilbert. The same day is given to all the recognitors.

295. The assize comes to recognise whether William de Horsi unjustly and without judgment disseised William de Raleg' of his free tenement in Dunware after the last, etc. And William de Horsy comes and confesses the disseisin, to wit, of five acres and a half of meadow. Therefore let William de Raleg' have his seisin, and William de Horsi is in mercy.

296. Pardon of damages for William Briwerr'.

297. The matter of the scotale is to be discussed in which the county complains that the archdeacons and deans implead in court christian all who go to a scotale, and there do harass them.

298. The assize comes to recognise whether Robert, son of David the priest, unjustly and without judgment disseised Cicely, daughter of Osbert, of her free tenement in Bath since the last [crossing of the King into Normandy]. And Robert's bailiff comes and says that he ought not [to be required] to answer her in the absence of her husband, and he craved judgment, inasmuch as she has a husband; and the writ does not speak of her husband, although she was married to the same husband on the day when the writ was obtained. And Cicely

[1] In the margin.
[2] This writ will be found in Rot. Claus., vol. 2, p. 79.

confesses this. Therefore Robert is quit, and she is in mercy. She and her husband may seek [a writ] if they wish.

299. The assize comes to recognise whether John de Audeli, Richard Moun, Adam Pruce, William Swete, Adam Herte, Adam Sauvage, Turgisius, Richard de Morleg', Adam Gydi, and Richard Snel unjustly and without judgment disseised William de Querendon and Agatha his wife of their free tenement in Stoke Gunner since the last [crossing of the King into Normandy]. And it is testified that the same John . . . and that all the others do not hold that tenement in demesne, because they are John's men, and hold it of him at his will. Therefore the assize remains, and William and Agatha may seek [a writ if they wish].

300. The assize comes to recognise whether the Prior of Bath unjustly and without judgment disseised Harding de Wetherbergh' of his free tenement in Cumpton since the last [crossing of the King]. And the Prior comes and fully concedes [that] the assize [may proceed], because he says that [Harding] is a villein, and moreover surrendered to the Prior in full court the tenement he claims. The jurors say that Thomas, Prior of Bath never disseised [Harding] of what he claims, nor was Robert,[1] Abbot of Glaston', [the Prior's] predecessor, ever attached. Therefore Thomas, now Prior, may go quit. Harding is in mercy. He is a pauper.

301. The assize comes to recognise whether the Prior of Bath unjustly and without judgment, since the last [crossing of the King, etc.], disseised Master Alexander de Dorset of his common of pasture in Weston', which is appurtenant to his free tenement in the same vill. And the Prior comes and fully concedes [that] the assize [may proceed]. The jurors say that the present Prior did disseise [Alexander] unjustly as the writ says, because . . . [2] that Alexander's mother, who held that tenement, had more beasts in that pasture than the Prior permitted Alexander to have. Wherefore they say that [the Prior] disseised him because Alexander was wont to have no certain number of animals in that pasture. Therefore let Alexander have as much common as he was accustomed to have, and the

[1] Prior Robert was appointed in 1189. He was elected to Glastonbury in 1223. On his election Thomas, the defendant upon this assize, was appointed to Bath. He died 23 June, 1261.

[2] A word here which is illegible.

Prior is in mercy for the disseisin. Damages, 20*s*. The damages are pardoned.

302. The assize comes to recognise whether Ralph de Soliny,[1] Hugh de Gundevill', Ralph de Dovill, and John de Tracy unjustly and without judgment disseised Geoffry de Sullynye of his free tenement in Kynemerdon' since the last [crossing of the King, etc.]. And Ralph comes and says that he claims nothing in the land except by delivery (*de ballia*) of our lord the King, and of which [land] he says he was put in seisin by the King's writ. And the bailiff of our lord the King, who . . . put him in seisin, is here and testifies this. And Geoffry comes and confesses that he was present when our lord the King granted that tenement to Ralph, and he says positively that Hasculf de Suliny, their father, who adopted the cross (*crusignatus*) before he started for the Holy Land,[2] by a certain privilege of those who had taken the Cross, granted his land to a certain farmer to hold for three years after his [Hasculf's] death. And then came Geoffry, and so managed that the same farmer demised to him the term. So it is considered that Ralph should go quit, and that Geoffry is in mercy for his false claim. Hugh and the others did not come. They were not attached because they were not to be found.

303. The assize comes to recognise whether William Smalfis and Matilda his wife unjustly and without judgment disseised Margery Bosher of her free tenement in Twyuerton' since the last [crossing of the King, etc.] And William comes and says that the tenement is the marriage portion of his wife. Afterwards he comes and says that formerly he impleaded Herbert Boscher by writ of right, and recovered the land back from him, and that he never disseised her. He puts himself upon the assize, and Margery does likewise. Therefore let the assize proceed. The jurors say that William and Matilda unjustly disseised [Margery] as the writ says. Therefore let her have her seisin, and William is in mercy. Damages, 2 marks. Pledges for the damages, John Alleyn, Robert Artur, John de Haub . . . , Herbert de Cruces. The amercement is pardoned.

[1] Soligny.

[2] The roll has "*terram suam*," which seems to be clearly a clerical error for "*terram sanctam*."

304.[1] *Memb.* 5*d.*

*Cattesesse ...	...	Robert Fichet.*
*Horethurne	...	Ralph de Watevill'.*
*Bruietone ...	..	Geoffry Blundus.*
*Norton' ...	...	Hugh Russell'.*
*Frome ...	...	Robert le Noreis.*
*Kinemerdone	...	Elias de Meles.*
*Welewes ...	...	William de Litletone.*
*Keynesham	...	John Pudding.*
*Bathon' ...	...	Peter de Bathon'.*
*Chiuton ...	...	Stephen de Chititon.*
*Hareclive,...	...	William Smalnis.
Beminstr', ...	...	
Porbir'* ...	...	
*Bemestane	...	John de Wedmore.*
Hunespil ...	...	Sweting.*
*Chiu, ...	...	Hugh de la Berewe.*
*Wintestoke,	...	
*Kingrebir',	...	
Banewell, ...	...	
*Japton, ...	...	
*Welles, ...	...	
*Kingesbir,	...	
*Walinton',	...	
*Lidiard, ...	...	
*Wivelescumbe[2]	...	
*Sumertone	...	Estmund'.*
*Kokre ...	...	Ralph le Albe.*
*Stane ...	...	Roger le Bere.*
*Tintehill' ...	...	Reginald le Cunte* (*substituted for* William Juvenis, *struck out*).
*Hundeberwe	...	William Juvenis.*
*Mertok ...	...	Walter the Miller.*
*Cruke ...	...	William de Chaub'ge.*
*Superton' ...	...	Roger de Chuvele.*

[1] In the absence of a title to this list, I can only conjecture that it comprises the names of the serjeants or bailiffs.

[2] These places are bracketed together, but opposite "Chiu" is written the name Thomas de Bonevill'.

* In the original every name of place or person here marked by an asterisk has a dot or tick of the pen against it.

*Bulestan ...	...	William de Elvete.*
*Abedike ...	...	Walter de Bradeweie.*
*Northcuri ...	...	Henry Ingoulf.*
*Tantone ...	...	Richard de Appelby.*
*Milvertone	...	Thomas Tollepein.*
*Dilvertone	...	Alvred de Cumbe.*
*Karanton'...	...	William le Tort.*
*Widiton' ...	...	Osbert de Kantok.*
*Kaninton ...	...	Roger de Withele.*
*Andridesfeld	...	William Rok.*
*Norhtperiton'	...	Roger de Munketon'.*
Curry Revel	...	John the reeve.*
*Whitstan ...	...	Walter de Burgund'.*
*Whiteleg' ...	...	Simon the hundredman.*
*Wrinctone.		
*Brente.		
*Burgus de Ivecestr'.		
*Mileburne...	...	William Dossel.
*Villa de Bathon'.		
*Langeport.		
*Taunton'.		
*Mons Acutus.		
*Staweye.		
*Dunestore.		
*Villa de Milverton'.		
*Periton.		
*Cruke.		
*Wascet.		
Chefdelmunt.		
Criz.		
*Burgus de Bruges.		
*Burgus de Welles.		
*Burgus de Axebrig'.		

Let William de Giremvill' and Richard de Cumbe go for a fourth part of the county, William de Bakelr' and John de Reygny for another fourth part, William de Draicot and Peter de Pultidon for another fourth part, and Roger de Sancto Laudo

* In the original every name of place or person here marked with an asterisk has a dot or tick of the pen against it.

and Walter de Tilly for another fourth part, and let them divide the hundreds between them.[1]

Assizes in the county of Somerset, Anno 9 H. III.[2]

Memb. 6.

305. Ralph le Tort gives ½ mark for a licence to agree with Robert son of William concerning a plea of land.[3]

306. The assize comes to recognise whether William Daynel and Alda, who was the wife of Fulk Dainel, unjustly and without judgment disseised Jordan Ridel of his free tenement in Kusinton since the last [crossing of the King, etc.]. And William comes, and Alda's attorney comes, and they fully concede [that] the assize [may proceed]. Afterwards Jordan comes and withdraws from [the claim], and therefore he and his pledges to prosecute, to wit William de Baketrepe and Nicholas de Kruke, are in mercy.

307. The assize comes to recognise whether the Abbot of Bordel unjustly and without judgment, since the [last crossing of the King, etc.], disseised Roger, parson of the church of Chiueton, of his common of pasture in Chiueton, which is appurtenant to his free tenement in the same vill. And the bailiff of the Abbot comes and says nothing wherefor the assize should remain. The jurors say that the Abbot unjustly disseised the same Roger as the writ says, because he included about three acres within a ditch. Therefore Roger recovered his seisin, and the Abbot is in mercy. The damages are pardoned. Concerning certain great cultures which anciently were closed, whereof Roger complained, they say that the Abbot of Bordele might well close them when he willed without contradiction by anyone and without right of common which any one might [otherwise] have while they should be closed. But when the cultures be open Roger ought to have common thereon.

[1] This entry is written by the side of the foregoing. The absence of explanation is very unfortunate. I have seen no entry quite like this upon any roll. The nearest approach to resemblance known to me is the entry of the names of the chief bailiffs of Northumberland in 40 Hen. III. See "Northumberland Assize Rolls," Surtees Soc., pp. 128 and 131.

[2] This is in a comparatively modern hand.

[3] This fine was levied on the morrow of the Nativity of the Virgin, 9 Hen. III. It related to the fourth part of a knight's fee in "Binnewchi." See "Somerset Fines" p. 48, No. 69.

308. The assize comes to recognise whether the Prior of Bath and Swein (*Swanus*) son of Daunan, unjustly and without judgment disseised Master Alexander de Dorset of his free tenement in Weston since the last [crossing of the King, etc.]. And the Prior and Swein come and say that they did not disseise him after that time; therefore let the assize proceed. The jurors say that Thomas, who is now Prior, and of whom complaint is made, did not disseise Alexander of the services of Swein, as was complained, after the time, because twenty years agone Swein made his service to the Prior of Bath. And they say positively that Swein did not disseise [Alexander] of any tenement. Therefore they may go quit, and Alexander is in mercy.

309. The assize comes to recognise whether Richard de Appelby and Denise his wife unjustly and without judgment disseised Adam son of Andrew of his free tenement in Stafford, since the last [crossing of the King, etc.]. And they come and fully concede [that] the assize [may proceed]. The jurors say that the same Adam at one time sought that tenement as his right against John de la Lude, father of Robert de la Lude, and John then gave up the tenement to Adam as his right, and Adam was seised thereof as his free tenement until Robert de la Lude, son of the aforesaid John who had died, after the death of his father and together with Richard and Denise, disseised him. Next Robert himself held the tenement for a year, and then gave it by charter to Richard and Denise. Wherefore they say that Robert, who has died, and Richard and Denise disseised him. Therefore let Adam have his seisin, and Richard and Denise are in mercy. Damages, 32*s.* 6*d.* Pledges for the amercement and damages, Warin de la Lude and William Wallensis.

310. The Prior of Bath puts in his place John de Therkesbir', or William de Lingnire, against William de Mariscis on a plea of assize of last presentation, etc. And William is present and concedes to him the new presentation, saving his right.

311. Richard Cotele puts in his place William de Bonham against Alice, formerly the wife of Robert Cotele, upon a plea of caption of a fine,[1] etc.

312. The assize comes to recognise whether John de Ken

[1] "*de þt caþ cyr̃ suū*," etc. See Glanv., lib. viij., c. 5.

unjustly and without judgment disseised Herbert de Ken of his free tenement in Clivedon' since the last, etc. And the bailiff of John de Ken comes and says that the assize ought not to be held, because the tenement remained to John by reason of a fine,[1] made in the court of our lord the King before the justices in eyre at Ivecestr', between the same John and John de Cricheston', eldest brother of the aforesaid Herbert, by which fine the tenement remained to John [de Ken] as his right, so that nevertheless that John de Ckriches should hold it for his life, and after his death the tenement with its appurtenances should revert to the said John de Ken and his heirs quit of him [John de C.] and his heirs. And, moreover, the same Herbert conceded that he never was in seisin thereof unless by intrusion. Therefore let the assize remain, and John go quit thereof. And Herbert is in mercy.

313. The assize comes to recognise whether Robert, parson of the church of Cusinton', unjustly and without judgment raised a certain dyke in Cusinton' to the injury of the free tenement of Jordan Ridel in the same vill, since the last, etc. And Robert comes and fully concedes [that] the assize may proceed. The jurors say that at the time when the field of Cusinton' towards the west lies fallow there should be a dyke raised until the autumn with a stile (*escalera*) by which foot passengers may cross, and in the autumn it ought to be levelled so that carts and people on horseback may pass, and now [Robert] does not allow it to be levelled. Wherefore they say that he unjustly maintained [the dyke], and to the injury of [Jordan] as the writ says. Therefore let the sheriff cause the dyke to be made as it ought and is wont to be. And Robert is in mercy. The damages are pardoned.

314. The assize comes to recognise whether Philip de Sarumvill' unjustly and without judgment disseised William le Waleis of his free tenement in Niweton'[2] since the last, etc. And Philip comes and says that he did not unjustly disseise him, but that in truth William of his own free will gave him the tenement for 100*s.* of land, which he [Philip] at another time gave him, and [Philip] puts himself upon the assize, and William likewise. So let the assize proceed. The jurors say that Philip did not

[1] The fine was levied on Thursday after the Purification, 3 Hen. III., of one hide of land in Clevedon. An abstract is to be found in "Somerset Fines," S.R. Soc. p. 35.

[2] Newton Sermonville near Yeovil.

disseise him unjustly as the writ says, but that it is true as it is alleged that William gave him the tenement for 100*s.* of land, which [Philip] gave to him, which tenement William before held by a fine made in the court of our lord the King at Geudeford'[1] between Robert de Monasterio and Matilda his wife, claimants, and William Wallensis and Emma his wife, tenants, of one-third part of the vill of Waie Newenton' and of Sideliz with the appurtenances, by which fine that third part enured to William. Therefore Philip may go quit, and William is in mercy.

315. The assize comes to recognise whether Alexander de Lysewes unjustly and without judgment disseised John son of Geoffry of his free tenement in Stokeling', since the last, etc. And Alexander does not come, and he was attached by Stephen de Stafford' and John de Holecumbe. Therefore they are in mercy, and the assize is taken by default. Damages, 1 mark. The sheriff is notified.

316. The assize of mort d'ancestor comes [to recognise] whether Agatha daughter of Roger, and sister of William son of Roger, was seised in her demesne as of fee of one hide of land with the appurtenances in Chestrebald'[2] on the day she died, and whether she died, etc., and whether William is her next heir. And Roger le Flemeng', who holds the land, comes. And William comes and withdraws himself. Therefore he and his pledges to prosecute, to wit John de Dultingecote and Nicholas Walklin of Sutton, are in mercy. And be it known that this assize was summoned by special instruction of our lord the King.

317. The assize comes to recognise whether Alan Basset and Gilbert Basset unjustly and without judgment disseised Matilda de Say of her free tenement in Sutton since the last, etc. And Gilbert does not come. He was attached by Walter de Esseleg' and Walter de la Grave. Therefore they are in mercy. And Alan comes and says that the assize ought not to be held, because one William de Monte Acuto held the tenement, and upon William's death he [Alan] took it into his hand, inasmuch as the custody of it belonged to him by reason of the custody of William de Monte Acuto, which custody he has during infancy by gift of the King. Further, he says that when he [Alan] was in the service of our lord the King at Bedford (*apud Bed'*)

[1] Guildford.

[2] Chesterblade.

Matilda intruded herself upon that tenement. Then Alan, by writ of our lord the King, [resumed such possession as he had before ?][1] And, moreover, if Matilda ought to have it, she ought not to have it except in custody . . . , and he asks judgment whether such custody be a free tenement.[2] Matilda comes and confesses that she claims nothing in the tenement except its custody. Therefore let the assize remain, and Alan go quit thereof. Matilda is in mercy, because an assize of novel disseisin does not lie.

318. Drogo de Stanton', a juror, defends all summons, and the summoner testifies that he made the summons (*summonicio testata est*). Therefore let him [Drogo] wage his law, and come with his law to Westminster on the quindene of Michaelmas. His pledges of law are Walter Kemmy and Robert de Litleton'.[3]

319. Henry Huse is in mercy for his transgression because he did not make a view of the land he holds of another than the Bishop.

320. Hugh de Griniton is in mercy for his foolishness (*pro stulticia sua*).[4]

Memb. 6d.

321. The assize comes to recognise whether Bertram de Garclippe unjustly and without judgment disseised John de Templo of his free tenement in Boclande since the last, etc. Bertram is in Gascony (*est Wasoñ*), and Geoffry his bailiff does not come. He was attached by Nicholas son of Denise, and Thomas de Hache ; therefore they are in mercy, and the assize is taken by default. The jurors say that one Geoffry Motun disseised him [John] unjustly, as the writ says, and not Bertram. Therefore Bertram is quit and John is in mercy. The amercement is pardoned because he is a poor chaplain.

322. The assize comes to recognise whether the Abbot of Glaston' and Swein de Weston, Hamo the clerk, John de Melnes, and William de Mere unjustly and without judgment disseised William de Legh' of his common of pasture in Legh, which is appurtenant to his free tenement in the same vill, since

[1] The entry is partly illegible here.

[2] The entry is very illegible here, but I think this is the sense. Alan pleads a point of law, and his plea succeeds. See Bract., fo. 167b.

[3] The whole entry seems to be struck out.

[4] *Quære*, Was this a case of "contempt of court"? See No. 467.

the last, etc. And the Abbot comes and says that he did not disseise him of any pasture in Legh', and William is not able to contradict this. Therefore the Abbot and the rest are quit, and William is in mercy.

323. The assize comes to recognise whether Robert de Ferariis unjustly and without judgment disseised Hugh de Haleford' of his free tenement in Brumlande since the last, etc. And Robert's bailiff comes and fully concedes [that] the assize [may proceed]. The jurors say that Robert disseised him unjustly as the writ says, to wit of 43 acres of arable land, from which he carried off the crop, and of other land. Therefore let Hugh have his seisin, and Robert is in mercy. Damages, 60*s*.

324. The assize comes to recognise whether William Malet unjustly and without judgment disseised William de Ho of his free tenement in Gelehampton since the last, etc. And William de Ho comes and withdraws himself. Therefore he and his pledges, to wit John le Hore and Gervase de Thore, to prosecute are in mercy.

325. The assize comes to recognise whether Ralph Huse unjustly and without judgment disseised Thomas Corbet of his common of pasture in Cheriton', which is appurtenant to his free tenement in the same vill, since the last, etc. And Ralph comes and says nothing wherefor the assize should remain. The jurors say that he did disseise [Thomas] unjustly as the writ says. Therefore let Thomas have his seisin, and Ralph is in mercy. Damages, 2*s*. The sheriff is notified.

326. The jury comes to recognise whether a messuage, with its appurtenances, belongs in free alms to the church of Puttenaya, of which William is parson, or [whether it is] the lay fee of William Ruffus, who comes and says that he does not hold the messuage except for the term of his life of Henry de Ortiaco and Sabina his wife, and he vouches Herbert and Sabina to warranty. Let him have them on the coming of the justices [assigned to take] all pleas.[1] And the sheriff is notified that he should summon them, etc., and Henry de Campo Florido, clerk. The sheriff has the writ.

327. The assize comes to recognise whether Thomas Corbet unjustly and without judgment raised a dyke in Chiritone to the injury of the free tenement of Ralph Huse in the same vill,

[1] The present justices have no jurisdiction to try this action.

since the last, etc. And Thomas comes and says that he has not raised any dyke unjustly, and he puts himself upon the assize, and Ralph does likewise. Therefore let the assize proceed. The jurors say that one Aylmer Horn held the tenement, where the dyke was raised, of Thomas Hericun, in villeinage, and then Aylmer raised the dyke because of the great number of deer,[1] lest they should eat the crops on his tenement, and at length, on account of the great number, he gave up the tenement, and abode elsewhere. And a long while afterwards Thomas came and impleaded Thomas Hericum and recovered [the tenement] against him, and then he raised the dyke to the condition in which it was during the time of Aylmer. Wherefore they say that [Thomas] did not raise the dyke unjustly, as the writ says. Therefore Thomas is quit, and Ralph is in mercy.

328. The assize comes to recognise whether Philip de Karevill', Stephen de Writhelington', Godfrey son of Matilda, Robert Melksop, William son of Aylwin, William son of Esquier, and Godstan le Savouer, and Christiana, formerly the wife of William de Karevill', unjustly and without judgment disseised Henry son of William, of his free tenement in Lokinton' since the last, etc. And they come, and Christiana says that she did not disseise him, but that in truth he abode in the tenement with her, at her will, and as her bailiff, and not in any other way. And Henry confesses this. Therefore they all are quit. Henry is a pauper, and therefore his amercement is pardoned.

329. The assize comes to recognise whether Robert de Columbariis unjustly and without judgment disseised the Prior of Briweton' of his free tenement in Lameth'[2] and Cumbe since the last, etc. And Robert comes and fully concedes [that] the assize [may proceed]. The jurors say that Robert did disseise him unjustly, as the writ says, to wit of a certain osier bed (*de quodam rifleto*) in Lameht, and of pasture in Cumbe. Therefore let the Prior have his seisin, and Robert is in mercy. Damages, 2*s.* 6*d.*

330. The assize comes to recognise whether Philip de Enebaut unjustly and without judgment disseised Geoffry de Furnell' of his free tenement in Libenesse Whateleg' and in Monhill since

[1] "*propter maximum exercitum ferarum.*" The term *fera* is used especially for deer: Martin.

[2] Lamyatt.

the last, etc. Philip does not come. He was attached by Hugh de Monte and Robert de Libenesse; therefore they are in mercy. And upon this comes the order of our lord the King touching the putting in respite before the justices at Westminster, on the quindene of Michaelmas, of the assize of novel disseisin, which Robert de Wancy has arraigned before M. de Pateshull and his associates, justices assigned, etc., against the same Philip contrary to the liberties which W. Marescall', Earl of Pembroke, has by charters of the ancestors of our lord the King. And it was inquired whether any other assize was arraigned of any other tenement touching the franchise of the Earl. It was said that the aforesaid assize between Geoffry and Philip concerned the franchise of the said Earl. And afterwards it was said that Geoffry had put himself upon the grand assize of our lord the King concerning the tenement in respect of which this assize is arraigned, so that he ought to have sought the King's writ of peace. Therefore let this assize be put in respite before the aforesaid justices at Westminster, at the time aforesaid,[1] that it may then be seen from the rolls of the Chancery whether he had a writ of peace, and that it may likewise be learned from the Earl Marescall' himself in what manner the assize touched upon his franchise. And Geoffry shall then have his judgment if the assize ought not to proceed. In the meantime let the assize remain. And Geoffry puts in his place Alan, or William de Furnell.

331. The assize comes to recognise whether Agatha de Middelton and Henry, her son, unjustly and without judgment

[1] The record of the proceedings at Westminster is to be found in Curia Regis Roll, No. 92, Memb. 12*d*. Translated it runs as follows:—"The assize comes to recognise whether Philip de Enebaud unjustly, etc., disseised Geoffry de Furnell' of his free tenement in Libeness' Whatelegh and in Monhull since the last, etc. Philip, by his attorney, comes and says that the assize ought not to be held, because he has recovered in the court of the Earl Marshall by judgment of the court upon a writ of right against the same Geoffry, for Geoffry put himself upon the grand assize of our lord the King, and did not bring his writ of peace. He vouched that court [of the Earl] to warranty. Let him have [the court] on the quindene of Hilary by aid of [this] court, and the Earl is notified that this must be discussed." The dispute was subsequently settled, and on Memb. 19 of Curia Regis Roll, No. 94, is the record of the fine, which was in effect that Philip, who held, recognised the whole of that land to be the right of Geoffry, and restored it to him, and for this Geoffry owed him 12 marks and a half to be paid at four terms, to wit at the Feast of St. Michael next following 3 marks and 20 pence, at Easter next following 3 marks and 20 pence, at the Feast of St. Michael next following 3 marks and 20 pence, and at Easter next following 3 marks and 20 pence.

have diverted the course of a certain water in Middelton', to the injury of the free tenement of Philip de Wikes in the same vill. Henry has died, and Agatha fully concedes [that] the assize [may proceed], and says nothing, nor does she accuse anyone of the death of Henry. The jurors say that Agatha has not unjustly raised any dam (*stagnum*) to the prejudice of his free tenement, as the writ says, but in truth she made the dam broader than it was, and it is not to the injury of Philip, nor did she encroach in any way on his land. Therefore she is quit, and Philip is in mercy.

332. William le Danes puts in his place Philip de Wike against Agatha de Middelton' on a plea of land, and against the Abbot of Dunckewell' on a plea of land, etc.[1]

333. The assize comes to recognise whether Robert de Columbariis unjustly and without judgment disseised Aubert de Lamyetta and Christiana his wife of his common of pasture in Lamyette which appertains to his free tenement in the same vill, since the last, etc. And Robert comes and says that he did not disseise them, for in truth they ought to have in the pasture a certain number of beasts, to wit, twelve animals—six oxen, and as many cows—but he did not allow them to have more beasts. And Aubert and Christiana say that they are entitled to have in that pasture eight oxen and six cows where the demesne cattle of Robert feed, and he does not allow them to have other than six oxen and as many cows ; and moreover he cultivated the good pasture and put their cattle in worse pasture, and they put themselves upon the assize, and Robert does likewise. Therefore let the assize proceed. They say positively that in this year they have had no common for two oxen. The jurors say that he did disseise them unjustly as the writ says, because they have had no common this year nor in the preceding year for the aforesaid two oxen, and [the jurors] say positively that [Aubert and Christiana] ought to have common for eight oxen, with the demesne oxen of Robert, and . . . [six ?] cows with the demesne cows of Robert, and wherever he is accustomed to have common on the land of Robert . . . , and further that he cultivated two acres and a half of that pasture. Therefore let them have their seisin, and Robert is in mercy. Damages, 12*d.* The sheriff is notified.

[1] There is a marginal note here "Devon' Sumerset'."

Memb. 7.

334. The assize comes to recognise whether Walter de Forde unjustly and without judgment disseised Henry de Carevill' of his free tenement in Briweton' since the last, etc. And Walter comes and says that the assize ought not to be made, because Henry was not in seisin of the land, for Henry gave that land to one Henry le Archer as a marriage portion with his daughter, and Henry le Archer, who assumed the cross (*cruce signatus*), before he set out on his journey to the Holy Land, demised the tenement to Roger de Forde, father of Walter, for money which he gave to Henry le Archer and his wife. Roger being dead, Henry de Carevill' intruded upon the tenement, and then came Walter, and ejected him. And Henry de Carevill' confesses this. Therefore he is in mercy, and Walter may go quit.

335. The assize comes to recognise whether Peter the chaplain unjustly and without judgment disseised Ralph de Bloyo and Isabella his wife of his free tenement in Bovill' since the last, etc. And Peter comes and says that [Ralph] has no tenement, either in Bovyll' or in the district where that vill is. And Ralph confesses this. Therefore Peter is quit, and Ralph is in mercy, because he confesses that he is not disseised of any tenement in such vill.

336. The assize comes to recognise whether John Wac and John Gubaud unjustly and without judgment disseised Richard son of John of his free tenement in Ichestoke[1] since the last, etc. They do not come, and they were attached by Adam the reeve of Ichestoke and Ranulf of the churchyard (*de cimiterio*) of Ichestoke. Therefore they are in mercy, and the assize is taken in default. The jurors say that John and John did disseise him of his free tenement unjustly, as the writ says, because they saw Richard seised of that tenement by the gift of John Wac.[2] Therefore let him have his seisin, and John and John are in mercy. They have nothing in the county upon which distress for damages may be made.

[1] Edstock in Cannington. Eyton, however, places it in the next parish—Chilton Trinity—which is in a different hundred. See the Som. Rec. Society's volume of Kirkby's Quest, pp. 17, 143, *299*, *333*.

[2] Meaning, no doubt, that they witnessed the ceremony when Richard was put in seisin.

337. The assize comes to recognise whether Adam le Waleis unjustly and without judgment disseised Gunulda and Hodierna, daughters of Ralph, of their free tenement in Langerig' since the last, etc. And Adam does not come, and he was attached by Godfrey Huse and William the reeve of Langerig'. Therefore they are in mercy, and the assize is taken in default. The jurors say that he did not disseise them unjustly as the writ says, because they were never in seisin of that tenement after the time; but in truth Walter their brother held it for ten years, and died seised thereof, and then the land remained, with the sons of Walter, in their custody. But a long while ago they were resident in that tenement while their brother was in parts beyond the seas, and when he returned into parts on this side of the seas Walter held the tenement as of his right, and ejected his sisters, and he died seised as aforesaid. Therefore Adam is quit, and they are in mercy. They are paupers.

338. The assize comes to recognise whether Roger de Dodinton' and William his son unjustly and without judgment disseised William de Exton of his free tenement in Dodington' since the last, etc. And Roger is ill,[1] and William comes and fully concedes [that] the assize [may be made]. The jurors say that they never disseised him of any tenement unjustly as the writ says. Therefore they are quit, and William de Exton is in mercy. [His] pledge for the amercement [is] Gilbert de Sipton.

339. The assize comes to recognise whether Richard de Cumbe and Peter de Wabbecumbe unjustly and without judgment have diverted a certain watercourse in Elleworthe, to the injury of the free tenement of Peter de Trukewell' in the same vill since the last, etc. And Richard and Peter de Wabbecumbe come and say nothing why the assize should remain. The jurors say that Peter and not Richard diverted that watercourse unjustly, and to the prejudice of Peter de Trukewell' as the writ says, because they say that since the diversion he has not the watercourse for his irrigation as much as he had before, by reason of which he is not able to irrigate his sown land. Therefore let the sheriff make the watercourse as it ought and is wont to be. And Peter de Wabbecumbe is in mercy, and likewise Peter de Trukewell' is in mercy for his false claim against

[1] "*languidus est*," i.e. confined to his bed by sickness, or infirmity.

Richard. Peter de Trukewell's pledge is Nicholas de Westouwe. Damages, 4*s*.

340. The assize comes to recognise whether Ralph Huse unjustly and without judgment disseised Thomas Corbet of his free tenement in Cheriton since the last, etc. And Thomas comes and fully concedes [that] the assize [may be made]. The jurors say that Ralph disseised him unjustly as the writ says, to wit of one messuage and one toft. Therefore let Thomas have his seisin, and Ralph is in mercy. Damages, 1*s*. 6*d*.

341. The assize comes to recognise whether David son of William unjustly and without judgment disseised William Pilloc of his free tenement in Stokeskurcy since the last, etc. And David comes and confesses the disseisin, to wit of one messuage. Therefore let William have his seisin, and David is in mercy. He is a pauper.

342. The assize comes to recognise whether John de Reyni, Ralph Tortus, and Roger de Kingeston' unjustly and without judgment disseised Robert le Bret of his free tenement in Sanford' since the last, etc. And they come and say that the assize ought not to be made, because John le Bret died seised of that tenement, and then Robert, as executor of the will of him, John le Bret, was resident on that land until he should complete execution; and moreover they say, if anyone disseised him, it was Henry son of the Earl, who held the custody thereof with the [wardship of the] heirs of John, which custody Roger de Kingesdon', the chief lord of the fee, confirmed to him. And they say positively that if Robert could have any right in that land he released the same, and made his charter of quit claim, which they show, and which testifies this. And Robert comes and says that John did not die seised in his demesne as of fee, but that in truth he died seised of [Robert's] service, to wit of 70*s*., and he says positively that he [Robert] was seised of that tenement a long while before the death of John, and that not John de Reyni, but the others named in the writ, disseised him. And he says that the charter was made in the time of the war [in fear][1] of death . . . , and he puts himself upon the assize, and John and the others do likewise. The jurors say that John le Bret died seised as of fee of that tenement, and in his demesne, and they say positively that never . . . that John

[1] The roll is partly illegible here, but this would seem to be the sense.

and the others [never] put force upon him to make that charter. Therefore John and the others are quit, and Robert is in mercy.

343. [1]William le Bret [gives] 10 marks to have a certain assize of mort d'ancestor against Roger de Kal . . . and Agnes his wife touching land in the county of Wilton. His pledges are John de Campo Florido and William de Mortin'.

344. The assize comes to recognise whether Richard de Cobbeham, Alexander son of John, and Walter le Chamb'leng unjustly and without judgment disseised Cecily, daughter of Elias, of her free tenement in Well' since the last, etc. And Richard and Alexander do not come, and Walter comes and says that she has a husband, and he will not answer without him, unless the court shall consider [otherwise]. This she confesses. Therefore it is considered that the assize should not proceed.

345. The assize of novel disseisin which Berinwe son of Swift arraigned against Walter de Dunheved touching a tenement in . . . Worthie remains, because Walter is dead.

346. Richard Lunel, who has arraigned an assize of novel disseisin against John Russell and John de Boterell concerning common of pasture in Horsinton', came and withdrew himself. Therefore he and his pledges to prosecute, to wit Robert Fichet and William the reeve of Cury, are in mercy, for he says that his writ is wrongly procured, because he claims no common in Horsinton'; and John Russel has died, without whom John de Boterell will not answer, unless the court should consider [that he ought to do so].

347. William le Daneis of Middelton, a recognitor, defends the summons, and the summons is testified. Therefore let him wage his law and defend his [summons], and let him come with his law to Westminster on the quindene of Michaelmas. Pledges for the law, Philip and Waleran de Webeleg'.[2]

348. The assize comes to recognise whether Richard Titt-prest unjustly and without judgment raised a certain dyke in King . . . [to the injury of ?] the free tenement of Ralph de Toryny in the same vill since the last, etc. And Richard comes and fully concedes [that] the assize [may proceed]. The jurors say that he raised a certain dyke unjustly, as the writ says,

[1] Marginal note "Wilt'."
[2] The whole of this entry is struck out.

and to the injury of him Ralph, because . . . the dyke was raised there. Therefore the sheriff should restore it to what it ought and was wont to be. Richard is in mercy. Damages, 12*d*. The sheriff is notified.

349. Agatha de Middelton' puts in her place Thomas de Winton' against Philip de Wike on a plea of land.

350. Gundreda de Alono puts in her place Thomas de Banewell' against Geoffry de Alno touching the taking of a chirograph (*de caꝑ cyr̃*).

Memb. 7d.

351. The assize comes to recognise whether William de la Burne, Amicia formerly the wife of Adam de Ponte, Thomas de Burne, and Nicholas son of Roger the cobbler, unjustly and without judgment disseised Richard de Kanc' of his free tenement in Legh since the last, etc. And William comes and says that he claims nothing in the land except for a term. He says that the same Richard demised the tenement to the aforesaid Amicia, whose daughter he married, for the term of four years, and Amicia granted her term to him [William]. And Richard comes and says that he never demised that tenement for a term, and he puts himself upon the assize, and William does likewise. The others have not come, and they were not attached. The jurors say that William and all the others did disseise [Richard] unjustly as the writ says, nor do they know anything of the term. Let Richard have his seisin. And William is in mercy. His pledge for the amercement [is] Philip de la Burne. Damages, 10*s*. The sheriff is notified.

352. The assize comes to recognise whether William de Draicote unjustly and without judgment disseised Roger Lovel of his free tenement in Redlis since the last, etc. And William comes and fully concedes [that] the assize [may be made]. The jurors say that in respect of a certain marl-pit (*marlera*) he took possession for a short time of the land of Roger, and that as to a certain quarry (*quarrera*) he took a certain part without Roger's licence, and carried it off to a certain place, concerning which complaint was made. They say that he there made a pound (*parcum*) to enclose cattle, and that he did not disseise him [as to this], but in truth he made the pound to the injury of William, and to the obstruction of a certain way; and after consideration by the hundred [court] it was broken down. There-

fore William is in mercy for the disseisin in respect of the stone carried off and the land occupied, and likewise Roger is in mercy for his false claim in respect of the place where the pound was. Let the sheriff restore the marl-pit and the quarry as they ought to be. Damages, *2d.*

353. The assize comes to recognise whether Nicholas Walkelin', Denise formerly the wife of John Maupudre, Agnes formerly the wife of Walter de Cruke, and Robert de Sutton unjustly and without judgment disseised Richard de Othri and Christiana his wife of his free tenement in Sutton' since the last, etc. And Nicholas comes, and the others come and say nothing why the assize should remain. The jurors say that one Julia, mother of William Seluein, and not Nicholas and the others named in the writ, disseised them unjustly as the writ [says]. And they say positively that since the disseisin she held the land in her hand for four years, and then conveyed the land to Nicholas and the others. Therefore Richard is in mercy, and the others are quit. Richard's pledge for the amercement is John Seluein.

354. The assize comes to recognise whether Agatha and Elena de Bristoll', daughters of Elias, unjustly and without judgment disseised Geoffry son of Oswald of his free tenement in Norton' since the last, etc. And Agath' and Elena have not come, nor were they attached. But a certain one comes and produces a certain charter which witnesses that the same Geoffry gave and granted the tenement to Elias by yearly service. And Geoffry comes and confesses that in truth the same Elias, before the war, disseised him of the same tenement; and afterwards, at the time when Ingelardus de Cygony[1] was constable of Bristol, he [Geoffry] was taken by Elias and detained in prison in the Castle of Bristol until he made that charter, and he confesses fully that the said Agatha and Elena did not disseise him, but [says that] Elias [did]. He says that he obtained the writ after the death of Elias. Therefore it is considered that Geoffry should take nothing by this assize, and that he be in mercy for his false claim. He is a pauper.

[1] Engelard de Cigogné in Touraine was a kinsman of Gerard of Athée, the "foreign adventurers and instruments of John's misrule," as Prof. Maitland calls them. Engelard succeeded Gerard as sheriff of Gloucester. He was also constable of Windsor. For an account of him see the Introduction to "Pleas of the Crown for Gloucester": Maitland.

355. Fulk de Merk, who arraigned an assize of novel disseisin against Hugh de Umone (*or* Unione ?) concerning his free tenement in Shipton, has withdrawn, and therefore he and his pledges to prosecute, to wit, Hugh de Fonte and Richard de Bosco, are in mercy.

356. Peter Boscard, who arraigned an assize of novel disseisin against Emma de Sutton' and Ralph her son, concerning a tenement in Sutton, will not sue. Therefore he and his pledges to prosecute, to wit, Roger Mar' of Shutton' and William Hare, are in mercy.

357. Philip de Atteworth', who brought an assize of novel disseisin against Agnes, formerly the wife of Thomas de Wike, concerning a tenement in Eleworthe, withdrew himself. Therefore he and his pledges to prosecute, to wit, Richard de Upton and Nicholas de Halum, are in mercy.

358. Elias, son of Adam Stokes, who brought an assize of novel disseisin against Roger de Clifton concerning a tenement in Eston', will not prosecute. Therefore he and his pledges to prosecute, to wit, Ewales de Wrokeshal' and Elias de Portesheved, are in mercy.

359. Alda Paynel, who has arraigned an assize of novel disseisin against William de Marisco and many others concerning a certain dyke thrown down in Hunnespill', will not prosecute. Therefore she and her pledges to prosecute, to wit, William Cole of Hunespill' and Stephen de Mora, are in mercy.

360. The same Alda, who brought an assize of novel disseisin against William Lib'dy and many others concerning seven dykes raised in Hunespill', will not prosecute. Therefore she and her pledges to prosecute, to wit, the above named, are in mercy.

361. Robert Blund (*blundus*) and Matilda his wife, who brought an assize of novel disseisin against Richard de Batecumbe concerning a tenement in Batecumbe, will not sue. Therefore they and their pledges to prosecute, to wit, Henry son of William de Draicote and Seman de Draicote, are in mercy.

362. The assize of mort d'ancestor comes to recognise whether Philip de Furnell, brother of Saher de Aldenham, was seised in his demesne as of fee of one-half of the manor of Ar since the time and if the same Saher (*mistake for* Philip) [died, etc.], which half of the said manor Henry de Furnell holds, who

comes and fully concedes [that] the assize [may be made], because he says that he [Philip] did not hold that land in fee otherwise than by demise (*de ballia*) of Henry La Pomeraie. The jurors say that in truth the same Philip, at the time of the war, was seised of one-half of the aforesaid manor but not as of fee, because they say that the same Philip held the land by demise of Henry de la Pomereie, the lord of the fee, whilst the same Henry, against whom the assize is now arraigned, was under age and in the custody of Simon de Furnell, and that it is true that the same Philip died seised thereof, but not as of fee as is alleged. Therefore Henry is quit and Saher is in mercy. Afterwards there was an agreement; let them have the chirograph.[1]

363. Julia de Whittukesmed', who brought an assize of novel disseisin against Geoffry de Albo monasterio concerning a tenement in Ekewik, will not proceed. Therefore she and her pledges to prosecute, to wit, William son of Osbert de Whittokesmede and Adam the reeve, are in mercy.

364. William de Mariscis, who brought an assize of novel disseisin against Alice, formerly the wife of Adam, concerning the diversion of a watercourse in Hunnespill', will not proceed. Therefore he and his pledge to prosecute, to wit, Geoffry de Barinton', are in mercy.

365. Matilda, daughter of Roger Buel, who brought an assize of novel disseisin against Roger de Clifton concerning a enement in Radestoke, will not proceed. Therefore she and her pledges to prosecute, to wit, Savaric de Chartres and Waleran de Welesleg', are in mercy.

366. The Prior of Christchurch of Thiwingham will not sue concerning a tenement in Clopton, against Ralph Wac. Therefore he and his pledge to prosecute, to wit, Stephen de Esting', chamberlain of Glastonbury, are in mercy.

367. Geoffry de Weston, who brought an assize of novel disseisin against William son of John touching a tenement in Weston, will not sue. Therefore he and his pledges to prosecute to wit, John son of Alan and Wales de Wrockeshal', are in mercy.

368. Adam the tailor (*le parmenter*) and Albreda his wife,

[1] The fine is dated on the morrow of the Nativity of the Virgin, 9 Hen. III. Saher quit-claimed to Henry, who gave him 100*s*. "Som. Fines," p. 47, No. 66.

who brought an assize of novel disseisin against Robert de Mariscis concerning a tenement in Babinton', will not sue. Therefore they and their pledges to prosecute, to wit, Hugh Tuneyre and Roger Malivel, are in mercy.

369. Robert de Esy and Alice his wife, who brought an assize of novel disseisin against Walter Newecomen touching a tenement in Monte Acuto, will not sue. Therefore they and their pledges to prosecute, to wit, Robert the warrener (*le warener*) and William Quintin, are in mercy.

370.

This entry is apparently of the same character as those immediately preceding. It is almost illegible, but enough can be read to gather that it relates to a tenement in Cumpton', that Godfrey de Alno is arraigned by one of the same surname, and that one of the latter's pledges is Ralph de Insula.

Memb. 8.

371. Inquiry must be made of the Bishop of Winton concerning this matter, that his constable at Tantone has with him a certain man who is called Lindesie, who protects (*premunit*) thieves when they ought to be taken.

THE VILL OF IVELCESTR'.

372. Hugh Spiring and Richard Tailefer, accused of theft, have fled. They were dwellers in Ivecestr', where there is no frank-pledge. They are suspected. Therefore let them be exacted and outlawed. Hugh's chattels were worth 12*d.* Richard had no chattels.

373. Laurence de Langport and Christiana his wife, who brought an assize of novel disseisin against Robert de Midlutton touching a tenement in Ivelcestr' have come, and will not sue. Therefore they and their pledges to prosecute, to wit, Henry de Westour' of Lamport and Jordan son of Gilbert de Taunton', are in mercy.

374. Richard Beap'l puts in his place Richard Spigurnel against Christiana, formerly the wife of Aylmer le Bret, on a plea of dower.[1]

[1] This entry has the marginal note "Deuon'."

Memb. 9.

375. The assize of novel disseisin between James de Munsorel, querent, and David de Haselberg, deforciant, touching his free tenement in Preston, remains because James has died.

376. The assize comes to recognise whether Robert de Curtenay and Richard de Aiscumb' unjustly and without judgment disseised Idonea, formerly the wife of Alexander de Aiscumb', of her free tenement in Aiscumb' since the last, etc. And Robert and Richard have not come. They were attached by Herbert the goldsmith of Cruk' and Algar de Cruk'; therefore they are in mercy. And the assize is taken by default. Afterwards Richard comes, and fully concedes [that] the assize [may be made]. The jurors say that Robert and Richard did disseise her unjustly as the writ says, to wit, of half a virgate of land, for they say that the same Alexander, formerly husband of Idonea, by the grant and wish of the said Richard, endowed (*per concessionem et voluntatem predicti Ricardi dotavit, etc.*) her with half of one virgate of land. On the death of Alexander she remained in seisin of that half, together with a moiety of a certain mill, and other appurtenances. Then came Richard and put himself in counsel with the aforesaid Robert; and afterwards they came and disseised her, in that Robert gave the crop (*vesturam*) of that tenement to Robert le Bastard. Therefore let her have her seisin, and Robert and Richard are in mercy. Damages, 30*s.*[1]

377. Richard Swift, who brought an assize of novel disseisin against John de Hauecwell' touching a tenement in Hauecwell', does not proceed. Therefore he and his pledges to prosecute, to wit, Gilbert Travers and Alexander the fisherman, are in mercy.

378. Henry de Mudeford', who brought an assize of novel disseisin against Fulk de Braute[2] and Maurice le Gant concerning a tenement in Oterhampton, does not proceed. Therefore he and his pledges to prosecute, to wit, Stephen de Eston' and William de Goviz, are in mercy. The amercement is pardoned.[3]

[1] There is a marginal note struck out, which I read as "*cras apud Shireburn*'."
[2] For Falkes de Breauté see "Dictionary of National Biography."
[3] To this entry there is a marginal note, similar to that attached to No. 376, also erased.

379. Robert de Blakeford', who brought an assize of novel disseisin against John de Boterell' and many others concerning a certain dyke thrown down in Maperton, came and withdrew himself. Therefore he and his pledges to prosecute, to wit, William de Berwe and Robert Rod'nia, are in mercy.

380. The sheriff is instructed that he must proceed to all the lands which were of Thomas de Campo Florido, taking with him twelve knights to be chosen by consent of the parties, and by their oaths make an extent and valuation of all the lands which were of Thomas, and cause them to be divided into three parts. One-third part, wholly in Alardeston, he shall assign to William le Waleis (*Wallensis*) and Nichola his wife as the dower of Nichola, in such wise that if the whole of the land in Alarston' should suffice for one-third part of all the aforesaid lands let it remain to the said William and Nichola. If there should be more [than sufficient] let the surplus be divided between Ralph le Waleis (*Wallensis*) and Joan his wife, one of the daughters and heirs of the said Thomas, and Matilda, the other daughter and heir of Thomas, who is in the custody of Warin son of Joel. Let the residue of the whole of the inheritance which was of Thomas be divided between Joan and Matilda, saving to Joan her privilege of seniority (*aesnescia*), in Hywis. Thus let Matilda have one messuage in the vill of Hywis to the value of the capital messuage of Alarston' in length and breadth. And let Matilda, the youngest daughter, hold of Joan. And if Warin, who formerly held part of that land, should hold more than the part which should belong to Matilda, let the surplus go to Joan. And in the same manner, if the said William, together with Joan, should hold more [than their shares] the surplus should go to Matilda. And let partition be made of demesnes and advowsons of churches and of the services of free men and of all other things. The sheriff must also inquire, by the oaths of the aforesaid knights, what damage and in what things the same William has caused to Warin on behalf of Matilda, when [William] disseised him. And let him make a return of the inquisition, and by what particulars he shall make the extent and valuation, to the justices at Wilton on Saturday next before Michaelmas by two [of the knights]. And let him distrain William that if he should have caused any damage to Warin, he should there have the money for such damage, and in the like manner Warin. And,

the inquisition being heard at Wilton', let the matter be adjourned to Westminster on a day given to the parties, to wit, in one month after Michaelmas.[1] And let all remain at home, because they have been summoned for this except William and Warin. And Warin puts in his place William le Daneis, and William puts in his place Ralph le Waleis.

381. Roger de Sancto Laudo is elected coroner, together with William de Bakelr', Richard de Cumbe, and Peter de Pudinton', and he is sworn that he will faithfully keep the pleas of the crown and will faithfully do the business of our lord the King appertaining to the crown.

Memb. 10.

Essoins taken at Ivelcestr', in the county of Somerset, in the tenth year of the reign of King Henry, son of King John.

(The words in italics are run through in the original.)

382. (*a*) *William Briwere, by Nicholas de Bosco and Nicholas de Sowi upon a common summons.*[2]

(*b*) *The lord of Winton, by Philip and John, his messengers, upon the like.*

(*c*) *Richard Thalebot, by Geoffry Rempe* upon the like.

(*d*) David Basset, by Alexander de Bosco upon the like.

[1] The proceedings at Westminster are to be found recorded in Curia Regis Roll, No. 94, Memb. 6 :—"It is agreed between Warine son of Joel, guardian of the youngest daughter of Thomas de Campo Florido, and William le Waleis (*Wallensis*) and Nichola his wife, Ralph son of William, and the eldest daughter of the same Thomas, concerning the dower of Nichola, which fell to her, of the free tenement which was of Thomas, formerly husband of Nichola, to wit, that the whole manor of Hiwis, with the appurtenances, should remain to William and Nichola his wife in dower (*in dotem*), except the advowson of the church of the same vill, which should remain to the daughters, and [that] the whole land of Alardeston should be divided between Ralph and his wife and the youngest daughter, saving to Ralph's wife the capital messuage, so that before the land should be divided the youngest daughter should have one messuage of the common property at the choice of Warine, according to the size of the capital messuage in length and breadth ; and afterwards, when the land should be divided, she should have of the share of Ralph and his wife two and a-half acres of land and half an acre of meadow in support of her house. Yet, nevertheless, William and Nichola, in respect of the manor of Hiwis, are to pay every year to the said daughters 15*d.*, to wit, $7\frac{1}{2}d.$ to each. This agreement is made, saving to the mother of the said Thomas her dower, which she has in the whole of the tenements for her life." From this it appears that there were two dowagers : first, the grandmother ; next, Nichola, the mother of the three co-parceners, daughters of Thomas de Campo Florido.

[2] The word "*alibi*" is written over Nicholas de Sowi.

(*e*) Philip de Albaniaco, by Robert Godriz upon the like. In the service of our lord the King.

(*f*) *Ralph de Wancy, by William de Litleton' upon the like.*

(*g*) John de Ren, by Richard de Weston' upon the like. In the service of our lord the King.

(*h*) John de Peanton', by William de Weleton' upon the like.

(*i*) *John de Briwes, by John de Werlam* upon the like.

(*j*) *The Prior of Christecherche*, by Roger de Pidele upon the like.

(*k*) *Roger de Cliffton', by Walter de Stokes upon the like. On the quindene of Michaelmas at Westminster.*

(*l*) *The Abbess of Werwell', by Jehellus son* of Robert de la Bruere upon the like.

(*m*) *John Marescall', by Robert de Haveneberg'* and by William son of Ralph upon the like. In the service of our lord the King.

(*n*) *Hubert de Burgo, by Gilbert de Kaumel* upon the like.

(*o*) Hugh de Godeshill, by Robert de Barewe upon the like.

(*p*) *Ralph de Aure, by Gerard* de Aure upon the like. It is said that he is sick in bed.

(*q*) Robert le Ware, by Simon the baker upon the like.

(*r*) Peter Blund (*le Blund*), by Andrew son of Herbert and Richard Raukes, by reason of death in Gascony.

(*s*) John le Deneys, by Richard de Bagworthe of Gascony upon a common [summons]. Gascony.

(*t*) Henry le Chareter, by Richard de Sumerton' upon the like.

(*tt*) Walter le Rumesie by Roger Pigace upon the like.

(*u*) William de Ruhill', by Walter Nuntin upon the like.

(*v*) *Agnes, wife of Roger de Kalemunden, by Richard the clerk, de malo veniendi, against William le Bret upon an assize of mort d'ancestor.*[1]

(*w*) *Roger de Clifford', by Henry Crec* and by Walter son of Stephen upon a common [summons].

(*x*) *William de Waiford*, by John Deket upon the like.

(*y*) *Simon de Dunigton'*, by John de Shepton' upon the like.

(*z*) *Henry de Mudford', by Henry* de Nereberd upon the like.

(2*a*) Robert de Veteri ponte, by Henry de Wike upon the like.

[1] There is a marginal note "*alibi.*"

(2*b*) William de Cantu lupo, by Randal de Ocford' upon the like.

(2*c*) *Nicholaa de la Haie*, by Robert Warner upon the like.

(2*d*) *Richard son of Arthur, by Richard Beket upon the like.*

(2*e*) *The Abbess of St. Edward, by William de Delveston* upon the like.

(2*f*) Robert de Vallibus, by Angerus de Sevenhamton' upon the like.

(2*g*) *William Flandr', by William the Irishman upon the like.*

(2*h*) *William Dewias, by Ralph son of Simon upon the like.*

(2*i*) *Thomas de Kenet, by Adam de Galameton'* upon the like.

(2*j*) *Robert le Sor, by Thomas Parun* upon the like.

(2*k*) Robert Michel, by William Michel upon the like.

(2*l*) *Henry de Wedden, by William Barberel upon the like.*

(2*m*) James son of Gerrard, by Robert Lundi upon the like.

(2*n*) *Alured de Lent, by Samson Revel upon the like.*

(2*o*) *Roger Tifel, by William de Comton'* upon the like. He comes.

(2*p*) Joceus de Baiocis, by Richard le Grom upon the like.

(2*q*) *John de Prewrise, by Godefried Sauvage upon the like.*

(2*r*) Jordan del Aunney, by Roger del Aunney upon the like.

(2*s*) *Robert fitz Payne*, by John the cook upon the like. He comes.

(2*t*) *Robert de Mucegros*, by Scot upon the like.

(2*u*) *Robert de Curtenay*, by Thomas Gaipin and Adam Ranun upon the like.

(2*v*) *William de Aumere, by William le Norreis* upon the like.

(2*w*) *Hugh de Dundon* by Simon Pinchehaste upon the like

(2*x*) Nicholas de la Mara, by Richard de la Mare upon the like.

(2*y*) Ralph le Meriet, by Robert Sherewund upon the like.

(2*z*) Herbert de Pin, by Simon Noblet upon the like.

(3*a*) John son of Richard, by Drogo de Bethevill' upon a common [summons], and he is in Gascony.

(3*b*) *William de Moretonig, by Roger Russel upon the like.*

(3*c*) *Ralph de Wuallibus*, by Nicholas le Bule upon the like.

(3*d*) William the forester of Frome, by Robert Fareman upon the like.

(3*e*) Richard de Muchegros, by Robert de Sindertome upon the like.

(3*f*) Philip de Sarmunwill', by Solomon de Chillecumb' upon the like.

(3*g*) *The Abbot of Cyrencestr', by Richard Curteys* and Robert Warner upon the like.

(3*h*) Thomas de Evercy, by Henry de Holeweie and William de Alwinton upon the like.

(3*i*) John le Malherb', by Richard le Bel upon the like.

(3*j*) Hugh le Despenser, by Henry his son upon the like.

(3*k*) Huward' de Bikeleg', by Alan his reeve upon the like.

(3*l*) Baldwin le Despenser, by Ralph de Clopton upon the like.

(3*m*) William Mautravers, by Roger Gurnard upon the like.

(3*n*) *William Fossard*, by William Godewin' upon the like.

(3*o*) Albreda de Botreaus, by William de Cheden' upon the like.

(3*p*) William de Deudecumbe, by Peter Russel upon the like. A day [is given] on the quindene of Michaelmas at Westminster. He has pledged his faith.

(3*q*) Robert de Novo Burgo, by William de Dorcestr' upon the like.

(3*r*) *Margery de Novo Burgo*, by Richard Biagraing upon the like.

(3*s*) *Ralph Malet, by Osbert* Quarrel upon the like. He comes.

(3*t*) William de Barri, by Ralph Lote upon the like. In the service of our lord the King in Ireland.

(3*u*) Alan Pain, by Martin de Escaudeford' upon the like.

(3*v*) Sybil de Unframwill', by Anketill' Young upon the like.

(3*w*) *The Prior of Bermundeseie, by Thomas de Londe upon the like.*

(3*x*) The Prior of Bradeleg', by Richard the Archer upon the like.

(3*y*) Geoffry Bineham, by Herbert de Bokelond' upon the like.

(3*z*) William de Wideworth, by Stephen de Cumton' upon the like, and he is in Gascony.

(4*a*) Rogo son of Simon, by Robert son of Garun upon the like, and he is in Gascony.

(4*b*) Roger Alis, by Richard de Bosington upon the same.

(4*c*) Roger Smethe, by Roger le Tot for death.

(4*d*) William le Gras, by Hugh de Cumb' upon the like (presumably upon a common summons).

(4*e*) *Richard de Ledsede, by Durand'* Sumerton upon the like.

(4*f*) The Prior of Winton', by Adam de Blendun' upon the like.

(4*g*) *John de Monte Acuto, by Richard Pasti* upon the like.

(4*h*) The Abbot of Grastame, by Arnard de Norton upon the like.

(4*i*) Walter de Eley, by Walter Turme . . el upon the like.

(4*j*) *Thomas de Porter, by Ralph* de la Throp upon the like.

(4*k*) James de Orchard, by Richard le Parc upon the like.

(4*l*) Alan de Stapele, by Robert Portebeure upon the like.

(4*m*) Humfrey de Scovill, by William de Brockeleg' upon the like.

(4*n*) Richard de Say, by Alan de Baiocis upon the like.

(4*o*) *William de Redeford,* by Hugh de Brigford upon the like.

(4*p*) Roys' de Stanton, by John son of Arnald upon the like.

(4*q*) William de Putoe, by Robert de Porteshave upon the like.

(4*r*) Hugh de Mara, by Benedict de Wrockeshale upon the like.

Memb. 10*d.*

(4*s*) The Prior of Edereston', by Hugh Bumgard upon the like.

(4*t*) *Andrew de Stretton, by William de la* Redeslo upon the like.

(4*u*) *Roger de Langeford, by Hugh de G . . .*

(4*v*) Roger son of Nicholas, by Stephen de Blayf upon the like.

(4*w*) *The Prior of Golclive, by William de Preston' upon the like.*

(4*x*) William de Kanvill, by Richard le Lugedon' upon the like.

(4*y*) *Richard de Chilleheg'*, *by* Nicholas the palmer (*le Paumer*) upon the like. He comes.

(4*z*) Walter Huse, by Robert de Crumhale upon the like.

(5*a*) Roger de Vilers, by Godefried le Ruter upon the like.

(5*b*) Agnes de Windesores, by Thomas de la Yurda upon the like.

(5*c*) Robert de Barnevill', by Ralph de Craft upon the like.

(5*d*) *Osbert de Eston, by William de Hanton' upon the like.*

(5*e*) Henry de Franckenney, by William Pede upon the like.

(5*f*) *Johel de Valle Torta*, by Samson de Curipole upon the like.

(5*g*) Master William de Spakeston', by Richard Aulclop upon the like.

(5*h*) Walter de Wike, by Augustin Choum upon the like.

(5*i*) Philip de Kaleston, by Robert son of John upon the like.

(5*j*) Randal de Hurleg', by William de Lintemere upon the like.

(5*k*) Hugh de Gurnay, by John Young upon the like.

(5*l*) Martin son of William, by William Curecy upon the like.

(5*m*) Henry de Holta, by Roger de Holta upon the like. In the service of the King.

(5*n*) Robert de Sutton', by Ailof de Sutton' upon the like.

(5*o*) John Harefot, by Richard Harefot upon the like.

(5*p*) Payn de Barri, by Michael de Res and Adam son of Odo.

(5*q*) Roger Ailard, by Walter Kachepol upon the like.

(5*r*) Philip Long, by Roger Garlond' upon the like.

(5*s*) Agnes de Heidun', by Walter de Emundesham upon the like.

(5*t*) *William de Fennes, by William the Irishman upon the like.*

(5*u*) *Jordan de Holton', by Peter Bugeburi upon the like.*

(5*v*) *Vital Engayne*, by Adam de Docking.

Essoins *de malo veniendi* on pleas of land:

(5*w*) Agnes, wife of Roger de Kalemunden, against William le Bret upon a plea of assize of mort d'ancestor by Richard the clerk. A day [is given her] on Wednesday next after the quindene of the Nativity of the Blessed Virgin, at Wilton. He has pledged his faith. The same day is given to Roger, the husband of Agnes, *in banco*.

(5*x*) William Briwerr' against the court (*u̾ cur̃*) on a plea of right (*de pt̃ Jur̃*) touching the manor of Cheddeseie by Nicholas de Bosco. A day [is given him] on the quindene of Michaelmas at Westminster by the pledge of William le Escot.

(5*y*) William Maltravers against the heir of John Maltravers on a plea of the hearing of a record by Roger Gurnard. On the octave of Michaelmas at Westminster. He has pledged his faith. The record is made.[1]

383. *Memb.* 11.

The chattels of Richard Sedlep and Richard le Futur, hanged.[2]	11*s.* 8*d.*, for which the sheriff [must answer].

[1] As to the making of a record see *ante*, No. 293.

[2] At first sight the schedules numbered in this book 383 and 384, and the returns to the inquisitions (No. 385) seem obscure ; but upon a careful examination of their contents, and comparison with the pleas in the earlier parts of the roll, the scheme upon which they are framed seems reasonably clear. No. 383 contains: (1) the amercements imposed in respect of various specified matters, for example, upon tithings and pledges for not producing their men, upon persons convicted of disseisin, or of making false claims, etc.: and (2) the values of the chattels of convicted prisoners and fugitive persons. No. 384 also contains values of chattels of prisoners and fugitives. The difference between the two schedules in this respect seems to be this: When the value of the chattels was returned at the time of the trial and conviction, as must often have been the case when the chattels had previously been appraised in the county court and their value entered in the coroners' rolls which were delivered to the justices, or is stated from other information in the note of the case, it is entered in No. 383. See, for examples, Nos. 123, 129, 139, 159, 172, 173, 177, etc. Where the value was not so returned and an inquiry was directed, the result of the inquiry is given in No. 385, upon the statement of the hundred taken on an inquisition, and is then entered in No. 384. See, for examples, Nos, 105, 114, 140, 164, 165, etc. In a very few instances, possibly, both processes were used. The values stated in the note of the conviction are entered in No. 383; then, for some reason, an inquiry seems to have been thought necessary, with the result, except in one case, of confirming the previous return: see Nos. 123, 217, and 219. It is possible, of course, that the values in these three cases may have been added to the note of the conviction after the inquisitions were held, but it does not seem probable, and the appearance of the roll is, I think, against it. The exception is in the case of Robert Gulye, No. 173. Here the inquisition finds the value to be less than the original figure by 1*s.* 2*d.* Nevertheless, the clerk has not seen fit to correct the schedule in the interest of the sheriff, who is to answer. Some exceptions to the practice which I have suggested may be found. There was an inquest in the case of Nicholas the Frenchman (No. 257), although there is no note against the case that such was directed; and in the case of Nicholas the Gardener (No. 212), where there is such a direction, there is no mention of an inquest. The schedules, when completed, were no doubt forwarded to the Exchequer, whence issued in due course to the sheriff, a summons of the Pipe, calling upon him to account to the Treasury for all these sums. The summons of the Pipe was practically in the same form as the

The chattels of Humphrey le Hunte, outlawed.[1]	3*s.*, for which the sheriff, etc.
The chattels of Matilda le Futur, waived.	3*s.*, for which the sheriff, etc.
William de Luccombe, because he had not Henry de Holt, whose pledge he was.	Half a mark.
William de Keteford, for the like ...	Half a mark.
John Bretasche, for the like	1 mark.
William de Estone, for the like ...	1 mark.
Richarde de Houe, for the like ...	Half a mark.
William de Sandhill, for the like ...	Half a mark.
Geoffry de Lukumbe, for the like ...	Half a mark.
Thomas de Wike, for the like ...	Half a mark.
Geoffry de Barington, for the like ...	Half a mark.
Ralph Sorell', for the like	Half a mark.
Robert de Trebrig', for the like. He has nothing.	
Reginald de Badialton, for the like ...	Half a mark.
The chattels of John and Reginald de Legh, fugitives.	*7s. 6d.*
The tithing of the Prior of Tanton' without the gate of Tanton', for the flight of William Wicking.	Half a mark.
The tithing of the Wodelande, for the flight of Walter Budde.	10*s.*
The chattels of the same Walter, a fugitive.	10*s.*, for which the sheriff, etc.
The chattels of Roger Wodecot, a fugitive.	20*s.* 11*d.*, for which the sheriff, etc.
The tithing of the vill of Blakedone, for the flight of Richard de Crues.	Half a mark.

schedule. Unfortunately, there are no documents of this kind in existence for so early a date, so that the process of collecting the King's revenue in this particular case cannot further be traced in the records. To most of the returns of the inquisitions there is appended a note "*est*" or "*non est*," as the case may be. I take this note to mean that the value found on the inquisition has already been entered in the schedule, or it has not. All to which the note "*non est*" appears are therefore put into No. 384, which is, in fact, a supplemental list or account against the sheriff.

[1] This seems to be a clerical error. Humphrey was hanged. Richard Sedlep and Richard le Futur escaped, and were outlaws. See No. 115.

The tithing of the vill of Stones Walter of Esseleg', for the flight of John le Mowere.	1 mark.
The chattels of the same John, a fugitive.	3*s.* 6*d.* for which the sheriff, etc.
The tithing of Cherleton Muchegos, for the flight of Adam the palmer (*le Paumer*).	Half a mark.
The chattels of the same Adam, a fugitive.	(*Blank in the Roll*).
The tithing of Gernefeld', for the flight of Richard le Savoner.	Half a mark.
The chattels of the same Richard, a fugitive.	3*s.*, for which the sheriff, etc.
The township of Kingeston', for default	1 mark.
The tithing of Richard Forester in Newton', for the flight of Robert Bakun.	Half a mark.
The chattels of the same Robert, a fugitive.	5*s.* 6*d.*
The township of Leng', for its false presentment.	1 mark.
The tithing of Walter de Hereford in Lillesdon', for the flight of Richard le Futur.	Half a mark.
The chattels of the same Richard, a fugitive.	4*s.*, for which the sheriff, etc.
The tithing of Stokes next Holeweie, for the flight of Osbert son of John.	Half a mark.
The tithing of Litle Cantokesheved, for the flight of Reginald Gupyl.	Half a mark.
The tithing of Radingeton', for the flight of William Berd.	Half a mark.
The chattels of William Ded, outlawed	9*s.* 2*d.*, for which Peter de Malo lacu must answer.
The chattels which John de Regny took of the thieves.	8*s.*, for which the sheriff, etc.
The tithing of the vill of Chiu, for the flight of Gilbert Woodecoc and Richard his brother.	Half a mark.
The tithing of the vill of Sutton', for the flight of John Harulf.	Half a mark.

The tithing of the vill of Cumbe of Thomas de Haiweie, for the flight of Robert Dun.	Half a mark.
The chattels of Roger the Devon man (*Deuon'*), a fugitive, who abjured the realm.	6*d.*, for which the sheriff, etc.
The tithing of the vill of Hilecumbe, for the flight of Thomas de la Pute.	Half a mark.
The township of Kury Malet, for the flight of Ranulf Bast.	10*s.*
The township of Stineleg', for harbouring Walter Blund (*Blundus*), who had abjured the realm.	1 mark.
The chattels of the same Walter ...	2 marks, for which the sheriff, etc.
The chattels of Roger le Syur of Cumbe, a fugitive.	8*d.*, for which the sheriff, etc.
The tithing of the vill of D . . . [ouliz] and Ralph Wac, for the flight of Herbert Quarel.	Half a mark.
The tithing of the vill of Eston, for the flight of Philip the shepherd (*le Berker*), and William Fuel.	Half a mark.
The chattels of the same Philip and William.	[10*s.*?] 6*d.*
The tithing of the vill of Wymfred, for the flight of William son of Odo.	Half a mark.
The chattels of the same William ...	12*d.*
The tithing of the vill of Cherleton Kanvill, for the flight of William Penne.	1 mark.
The chattels of the same William, a fugitive.	18*s.* 1*d.*, for which the sheriff, etc.
The chattels of William de Cumbe, brother of Maurice the chaplain, a fugitive.	2*s.*, for which the sheriff, etc.
The township of Mileburne, because they made no pursuit after Walter Wikere, a fugitive.	1 mark.
The township of Cumpton' Godfrey, for harbouring William the shepherd, not in tithing.	1 mark.

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The tithing of the vill of Wiggeberg', for the flight of Nicholas le Gardiner.	Half a mark.
The tithing of Wandelestr' Oliver, for the flight of Henry son of Ralph.	Half a mark.
The chattels of Simon Shiterok, hanged.	(*Blank*).
The tithing of the vill of Meriet, for the flight of Ralph de Taile.	Half a mark.
The chattels of the same Ralph, a fugitive.	10*s.*, for which the sheriff, etc.
The tithing of the vill of Waiford, for the flight of Adam de Waldredesheie.	Half a mark.
The chattels of the same Adam, a fugitive.	9*s.* 4*d.*, for which Peter de Malo lacu must answer.
The chattels of Geoffry the tailor of Erneshill, a fugitive.	4*s.*, for which the sheriff, etc.
The township of Dunestore, for harbouring William le Flemeng' and John Portman, not in tithing.	1 mark.
The tithing of Widecumbe, for the flight of William de Hulle.	Half a mark.
The chattels of the same William, a fugitive.	6*s.* 4*d.*, for which Peter de Malo lacu must answer.
The tithing of Dunevde, for the flight of Jordan Chagge.	Half a mark.
The chattels of the same Jordan ...	22*s.* for which the sheriff, etc.
The chattels of Robert the miller of Middelton, who has abjured the realm.	12*d.*
The tithing of Almundeford, for the flight of Gervase son of Walter.	Half a mark.
The tithing of Gerlinc', for the flight of Roger Blake.	Half a mark.
The tithing of Westbriweton', for the flight of Robert Popelere.	Half a mark.
The tithing of Eswike, for the flight of Hugh Droskere and his companions.	Half a mark.
The tithing of Badecumbe, for the flight of Robert le Batur'.	Half a mark.

The tithing of Berton', for the flight of Nicholas the Frenchman.	Half a mark.
The chattels of Walter Black, outlawed	26*s.* 4*d.*, for which the sheriff, etc.
The chattels of Walter Bule of Cote, hanged.	2*s.*, for which Peter. . . . .
The tithing of Esse, for the flight of Adam Laneles and Richard his brother.	Half a mark.
The tithing of Budekele, for the flight of Richard Ruffus.	Half a mark.
The tithing of Chantun, for the flight of William Piperwhite.	Half a mark.
The chattels of the same William, a fugitive.	32*d.*, for which the sheriff, etc.
The tithing of Bedeminstr', for the flight of Josceus the carpenter.	Half a mark.
The chattels of the same Josceus, a fugitive.	4*s.*
Peter de Malo lacu.	100*s.*, which he received from the Abbot of Glaston for . . .
The tithing of Melnes, for the flight of Adam le Flowelere.[1]	Half a mark.
The tithing of Preston' of the monks, for the flight of Hugh Swere.	Half a mark.
The chattels of the same Hugh, a fugitive.	6*s.* 4*d.*
The tithing of Exton, for the flight of William son of Harding'.	Half a mark.
The chattels of the same William, a fugitive.[2]	4*s.* 6*d.*
Henry de Ortiaco, who withdrew himself[3]	
Master Alexander de Dorset, for disseisin.[4]	

[1] At the side of this entry is the following: "David son of Geoffry, who . the house of Matilda de . . ."

[2] See No. 285, where the amount is put at 4*s.* 5*a.*

[3] Struck out.

[4] There is here a marginal note—"To the Exchequer"—"*ad scaccar.*"

The Prior of Bath, his fine for transgression.	1 mark.
Geoffry de Sulygny, for his false claim...	Half a mark.
Ralph le Tort, for a licence to agree with Robert son of William.	Half a mark.
Jordan Rudel, for his false claim against William Paynel. He has nothing.[1]	
William de Baketripe as pledge for Jordan Rendel.	Half a mark.
The Abbot of Bordel, for disseisin ...	1 mark.

Memb. 11*d.*

Richard de Appelby, for disseisin ...	10*s.*, by the pledges of William Walens, and Warin de la Lude.
William Wallensis, for his false claim against Philip de Sarumvill'.	Half a mark.
Alexander de Lisewis, for disseisin ...	Half a mark.
Stephen de Stafford and John de Holecumbe, pledges for the same.	Half a mark.
Matilda de Say, for her false claim against Alan Basset.	Half a mark.
Henry Huse of Cherlecumbe, for his transgression.	Half a mark.
William de Legh, for his false claim against the Abbot of Glaston'.	Half a mark.
Robert de Ferrarius, for disseisin ...	20*s.*
William Malet[2] de Ho, who withdrew himself.	Half a mark.
John le Hore and Gervase de Thore, as pledges for the same.	Half a mark.
Ralph Huse, for disseisin ...	Half a mark by pledges.
Robert de Columbariis, for disseisin ...	1 mark.
Henry de Karevill' of Briweton', for his false claim.	Half a mark.

[1] This is struck out.
[2] "Malet" is struck out; why, is not clear.

Ralph Bloyou, for his false claim against Peter the Chaplain.[1]	Half a mark.
John Wac, for disseisin ...	1 mark.
John Gubaud, for the like[2] ...	1 mark.
William de Eston next Bristoll', for his false claim.	Half a mark by pledge of Gilbert de Sipton.
Peter de Trukewell', for his false claim...	Half a mark by pledge of Nicholas Westouwe.
Peter de Wabbecumbe, for disseisin ...	Half a mark.
Robert le Ferum, for his false claim ...	Half a mark.
Richard Luvel, who has not prosecuted against John de Boterell.	1 mark.
Robert Fichet and William the reeve of Cury, as pledges for the same.	Half a mark.
Richard Tutprest, for disseisin ...	Half a mark.
William de la Burne, for disseisin ...	Half a mark.
Thomas de Burne and Nicholas son of Roger the cobbler, for the like.	Half a mark.
Richard de Otry, for his false claim ...	Half a mark by pledge of John Seluein.
Fulk de Merik Shepton' Hugh, who has not prosecuted against Hugh de Unione.	Half a mark.
Hugh de Fonte and Richard de Bosco, as pledges for the same.	Half a mark.
Peter Boscard', who withdrew himself ...	Half a mark by pledges of Roger Mar' of Sutton and William Hare
Wales de Wroxhale and Elias de Portesheved, as pledges for Elias son of Adam de Stokes.	Half a mark.
Alda Paynel, who has not prosecuted against William de Mariscis.	Half a mark.
William Cole of Hunespil', as pledge for the same.	Half a mark.

[1] This entry has "Cornwall" in the margin.
[2] This entry has "Lincoln" against it in the margin.

Robert Blund of Draicote, who has not prosecuted against Richard de Batecumbe.	Half a mark.
Henry son of William de Draicote and Semanus de Draicote, as pledges for the same.	Half a mark.
William de Mariscis, who has not prosecuted.	Half a mark.
Hugh Tuneyre and Roger Malivel, as pledges for Adam the tailor.	Half a mark.
Robert the warrenner and William Quentin, as pledges for Robert de Efy.	Half a mark.
The chattels of Hugh Spiring of Ivelcestr', a fugitive.	12*d.* 7*d.*, [for which] the sheriff, etc.
Robert de Curtenay, his fine for his transgression.	6 marks.
Gilbert Travers and Alexander the fisherman, as pledges for Richard Swift.	Half a mark.
The chattels of Gilbert Odde, hanged ...	18*s.*, for which the sheriff, etc.
The chattels of Robert Gulie, hanged ...	7*s.* 6*d.*, for which the sheriff, etc.
384. The sheriff [must answer] for the chattels of R. Pudding, hanged.	4*d.*
The sheriff [must answer] for the chattels of William Fugel, a fugitive.	12*d.*
The sheriff [must answer] for the chattels of Philip the shepherd.	10*d.*
The sheriff [must answer] for the chattels of Walter Red, hanged.	3*s.*
The sheriff [must answer] for the chattels of Reginald de Kington', hanged.	7*s.* 8*d.*
The sheriff [must answer] for the chattels of Adam Walurick', hanged.	10*s.*
The sheriff [must answer] for the chattels of William Wreye, who has abjured the realm.	9*s.* 6*a.*
The sheriff [must answer] for the chattels of Godfrey Kack' of Heleford, a fugitive.	12*d.*

The sheriff [must answer] for the chattels of Hugh the broker (*le Saker*) of Axewoky, a fugitive.	4*s.* 7*d.*
The sheriff [must answer] for the chattels of Hugh de Pathel' of Kamel, hanged.	7*s.* 2*d.*
The sheriff [must answer] for the chattels of Thomas le Friker of Holewal, hanged.	32½*d.*
The sheriff [must answer] for the chattels of Roger de Clanefeld, a fugitive.	16*s.*
The sheriff [must answer] for the chattels of Nicholas the Frenchman of Berton, a fugitive.	12*d.*
The sheriff [must answer] for the chattels of Godfrey le Duc of Clopton hanged.	16*s.*
The sheriff [must answer] for the chattels of Herbert Drail' of Middelton, hanged.	6*s.* 8*d.*
The sheriff [must answer] for the chattels of Robert the miller of Middelton, who has abjured the realm.	3*s.*
The sheriff [must answer] for the chattels of William Heredes and Thomas his son of Septon, hanged.	41*s.* 10*d.*
The sheriff [must answer] for the chattels of Simon de Sytherugg', hanged.	1 mark.
The sheriff [must answer] for the chattels of Hugh Swere, a fugitive.	4*d.*
The sheriff [must answer] for the chattels of Philip le Spaulder, hanged.	2*s.* 4*d.*
The sheriff [must answer] for the chattels of a man of Janford, hanged.	107*s.* 10½*d.*
The sheriff [must answer] for the chattels of Goscelin Hukkel of Neuton', hanged.	5*s.* 6*d.*
The sheriff [must answer] for the chattels of William de Huppehull' of Humber', a fugitive.	21*s.*
The sheriff [must answer] for the chattels of William Stonman of Nonedhame, a fugitive.	6*s.* 4*d.*

The sheriff [must answer] for the chattels of Geoffry le Drak' of Menedun', a fugitive.	5*s.*
The sheriff [must answer] for the chattels of Yvon de Wynemeresham, a fugitive.	7*s.* 8*d.*
The sheriff [must answer] for the chattels of John de Here of Radehiwys, who has abjured the realm.	6*s.*
The sheriff [must answer] for the chattels of Henry de Buleworth, a fugitive.	8*s.*
The sheriff [must answer] for the chattels of William Seunk' of Tanton', hanged.	29*s.* 6*d.*
The sheriff [must answer] for the chattels of Felic' de Tanton', a fugitive.	4*s.*
The sheriff [must answer] for the chattels of Gilbert Hodde, hanged.	16*s.*
The sheriff [must answer] for the chattels of Robert de Insula, hanged.	15*s.* 4*d.*
The sheriff [must answer] for the chattels of Randal Raft of Kurimalett, a fugitive.	6*s.*
The sheriff [must answer] for the chattels of Adam de Axe, a fugitive.	11*s.*
The sheriff [must answer] for the land of Warin of the city of Bath.	10*s.* per annum

Memb. 12.

385. Inquest made in the county of Somerset concerning the chattels of fugitives and persons hanged, by the coroners and by four knights chosen for the purpose.

The city of Bath says concerning Robert the little (*parvo*), who killed his wife, that he had no chattels, but [that he had] a rent worth by the year 10*s.*, and they are in the hand of our lord the King.

It says that the chattels of R. Pudding, who was hanged, [are worth] 4*d.* [The amount] is not [charged].

The hundred of Harecliv' says that the chattels of William Fuel, a fugitive, [are worth] 2*s.* 6*d.* 18*d.* are put in the summons. 12*d.* [more] ought to be put.

It says that the chattels of Philip the shepherd, a fugitive, [are worth] 22*d.* 12*d.* are put in the summons. 10*d.* [more] ought to be put.

It says that the chattels of Walter Red, who was hanged, [are worth] 3*s.* The amount is not charged.

It says that the chattels of Reginald de Kynton', who was hanged, [are worth] 7*s.* 8*d.* [The amount] is not [charged].

It says that the chattels of Adam Wulurisk', who was hanged, [are worth] 10*s.* [The amount] is not [charged].

It says that William Nourehybourn, who was hanged, had no chattels.

The hundred of Banewell' says that the chattels of William Wrehye, who abjured the English land for the death of William le Hoyselm, [are worth] 9*s.* 6*d.*

The hundred of Wytheleya says that the chattels of Godfrey Cacch' of Holeford', a fugitive, [are worth] 12*d.* [The amount] is not [charged].

It says that Richard Ruffus of Budekel and Robert Tropynel of Sapewyk', fugitives, had no chattels.

The hundred of Kynemeresdun says that the chattels of Hugh the broker of Axewyk', a fugitive, [are worth] 4*s.* 8*d.* [The amount] is not [charged].

The hundred of Sumerton says that the chattels of Hugh de Pathel of Kamel, who was hanged, [are worth] 7*s.* 2*d.* [The amount] is not [charged].

The hundred of La Horethurn' says that the chattels of William Penning, a fugitive of Kamel, [are worth] 18*s.* 1*d.* [The amount] is [charged].

It says that the chattels of Thomas le Friker of Holewal, who was hanged, are worth 32½*d.* [The amount] is not [charged].

The hundred of Cattheshay says that the chattels of Roger de Clanesfeld', a fugitive, [are worth] 16*s.* [The amount] is not [charged.]

It says that the chattels of Nicholas le Franceis of Berton, a fugitive, [are worth] 12*d.* [The amount] is not [charged].

The hundred of Breuton says that Robert le Pubeler' of Breuton, a fugitive, had no chattels.

It says that the chattels of Godfrey le Duc of Clopton, who was hanged, [are worth] 16*s.* [The amount] is not [charged].

It says that the chattels of Herbert Drayl of Middelton',

who was hanged, [are worth] 6*s.* 8*d.* [The amount] is not [charged].

It says that the chattels of Robert the miller of Middelton, who abjured the English land, [are worth] 4*s.*, and 12*d.* are put in the summons, and 3*s.* [more] are to be put [therein].

The hundred of Nortun says that the chattels of William Heredes and Thomas his son, of Septon', who were hanged, [are worth] 41*s.* 10*d.* [The amount] is not [charged].

The hundred of Cruk' says that the chattels of Simon Sytherugg', who was hanged, [are worth] 1 mark. [The amount] is not [charged].

It says that the chattels of Geoffry the tailor, a fugitive, are worth 4*s.* [The amount] is [charged].

It says that the chattels of Ralph son of Hubert de la Taill, a fugitive, [are worth] 10*s.* [The amount] is [charged].

The hundred of La Stane says that the chattels of Hugh Swer, a fugitive, [are worth] half a mark. [The amount] is [charged], but he had 4*d.* more.

It [says] that the chattels of Philip le Spauder, who was hanged, are worth 2*s.* 4*d.* [The amount] is not [charged].

The hundred of Melverton' says that the chattels of the men of Sanford, who were hanged, [are worth] 107*s.* 10½*d.* [The amount] is not [charged].

The hundred of Northpereton' says that the chattels of Goscelin Hugbel of Neuton', who was hanged, [are worth] 5*s.* 6*d.* [The amount] is not [charged].

It says that Richard Goky, who was hanged, had no chattels.

The hundred of Wyleton' says that the chattels of William Huppehull' of Hunyber', a fugitive, [are worth] 21*s.* [The amount] is [not] charged.

It says that William Berd of Radinctun, who fled, had no chattels.

The hundred of Carinctun' says that the chattels of William Stonman of Menehewed,[1] a fugitive, [are worth] 5*s.* 4*d.*

It says that the chattels of Geoffry le Drak' of Menedun', a fugitive, [are worth] 5*s.* [The amount] is not [charged].

It says that the chattels of Yvon de Wynemoresham, a fugitive, [are worth] 7*s.* 8*d.* [The amount] is not [charged].

It says that the chattels of John le Here of Radehywis, who abjured the English land for theft, [are worth] 6*s.*

Minehead.

The free manor of Haweckrig', who fled, had no chattels.[1]

The free manor of Exton' says that the chattels of Henry de Bulewurth, a fugitive, [are worth] 8*s.*

It says that Omerus, who fled, had no chattels.

The hundred of Tanton' says that the chattels of William Budde, a fugitive, [are worth] 10*s.* [The amount] is [charged].

It says that John de Lega, who fled, had no chattels, but his land—to wit, half a virgate—is in the King's hand.

It says that Reginald his brother, who fled, had no chattels; but his land—to wit, one ferling—is in the King's hand.

The hundred of Tanton' within says that the chattels of William Schund of Tanton', who was hanged, [are worth] 20*s.*

It says that the chattels of Felicia de Tanton', a fugitive, [are worth] 4*s.* [The amount] is not [charged].

The hundred of Northcury says that the chattels of Gilbert Hodde, who was hanged, [are worth] 34*s.* And [he has land]. 18*s.* [are put in the summons], and there remains to be put 16*s.* . . . The land—half a virgate—is in the hand of our lord the King, and it is worth 2*s.* by the year.[2]

It says that the chattels of Robert Gulye, who was hanged, [are worth] 6*s.* 4*d.* [The amount] is [charged].

It says that the chattels of Robert de Insula, who was hanged, [are worth] 15*s.* 4*d.* [The amount] is not [charged].

The hundred of Abbeding says that the chattels of Randal Bast of Curymalet, a fugitive, [are worth] 6*s.*

The hundred of Mertoc says that the chattels of Adam de Axe, a fugitive, [are worth] 10*s.* [The amount] is not [charged].

Total 24*li.* 3*s.* 9*d.*

Memb. 12*d.*

386. Be it remembered that Edward Balch of the hundred of Chyu, who fled and came back again, has found pledges.

387. Thomas Begwin of Cadicot', in the like manner, has found pledges.

388. Adam the palmer (*le Paumer*) of Cherleton' Mucegros, who fled, has found pledges.

389. Reginald Gupyil, who was a fugitive, is in gaol.

[1] There is an obvious omission from this entry.

[2] This entry is partly illegible; but this seems to be the sense, and agrees with the schedules. "Gilbert Odde" figures in No. 383 for 18*s.*, and "Gilbert Hodde" in No. 384 for 16*s.*—together 34*s.*

ROLL No. 80. (CAMBRIDGESHIRE.)

This roll appears to be part only of the proceedings upon a Cambridgeshire eyre, and includes pleas taken in Middlesex, Cambridge, and Huntingdon. The date assigned to it is 19 Henry III. (1234–5). This appears from the heading of Memb. 25—"*Placit. ap. Westm. in crastino assumpcionis Beate Marie anno Regis* 19." At the foot of Memb. 14*d*, in a comparatively modern hand, is—"*Pasch. ao.* 19 *H.* 3 *ut patet* [*infra ?*] *in placitand.*" On Memb. 10 we have—"*Ass. forin. in com. Midd. a die Pasc. in* 5 *sept.*"; on Memb. 19*d*—"*Plac. Forinseca in crastino Sci. Johis. Bapt. ap. Cant*"; on Memb. 21—"*Placita apud Huntingdon in Oct. Sci. Johis. de forins.*" It is confined to civil business. From the forinsec pleas all relating to the county of Somerset have been extracted.

Memb. 11.

390. A day is given to Robert de Bello Campo, plaintiff, by Alexander Huscort his attorney, on a plea of warranty of charter on the quindene of Trinity at Cambridge on the prayer of the parties.

Memb. 16*d.*

391. John de Tudeham offered himself on the fourth day against Hugh de Vyvun on a plea why he [Hugh] did not permit him to present a fit person to the church of Liminton' which is vacant, etc., and Hugh did not come, etc., and he was summoned, etc. Judgment: Attach him to be at Huntingdon on the quindene of St. John the Baptist.

Memb. 17*d.*

392. Hugh son of Ranulf, essoiner of Roger de Wynb'vill, offered himself on the fourth day against Stephen de Kynemerden on a plea why he brought his suit in court christian concerning chattels which were not, etc., contrary to, etc.[1] And Stephen did not come. The sheriff was ordered to attach him, and he did nothing therein, but reported that they were (*sic*) with the

[1] The cause of complaint here was that a suit had been brought in the ecclesiastical court, which claimed jurisdiction over testamentary disposition of personal chattels, contrary to the prohibition of the King.

Hospitallers of Jerusalem, where he could not put his hand. Therefore let him [Stephen] be attached as before, that he be at Westminster on the morrow of All Souls, and let the sheriff [be there] to hear his judgment, etc.

Memb. 22.

393. John de Tudeham offered himself on the fourth day against Ralph son of Bernard on a plea that he should permit him [John] to present a fit person to the church of Lunenton', which is vacant and in his gift as he says. And Ralph [did not] come, etc., and he was summoned, etc. The sheriff was ordered that he should attach him, and he did nothing therein. Therefore let him [Ralph] be attached as before, that he be at Westminster on the morrow of All Souls.

Memb. 23.

394. The sheriff was ordered that he should diligently inquire who were the jurors upon the assize of novel disseisin taken before Richard de Lexinton' and his companions justices in eyre at Dorcestre between John de la Stokk', querunt, and Christiana daughter of Robert, and Agnes daughter of P. de Wrington, deforciants of a tenement in Sunderlande: And that, taking with him the said jurors, he should himself go to Sunderland and by their oath diligently inquire whether the half virgate of land with the appurtenances in Sunderland, which John de Sunderland complains that John de la Stokke occupied (*occupavit*) on the happening of the said assize, was the same land which was recognised by the same assize, or whether the said John de Sunderland held that half virgate of land in his demesne when the aforesaid assize was taken or not: And that he should return the inquisition to the justices in eyre at Cambridge in three weeks from Trinity, on which day John de la Stokke essoined himself, and he had a day by his essoin, on the quindene of St. John the Baptist, on which day he did not come.[1] The sheriff has sent the inquisition, which says that John de Sunderland held the half virgate of land in his demesne when the aforesaid assize was taken, rendering therefor 3*s.*, and

[1] In A.D. 1235, "three weeks after Trinity" fell on the 24th June, and the quindene of St. John was on the 8th July.

that the jurors only gave to the said John de la Stokke the aforesaid 3*s*. Therefore it is considered that John de Sunderland should have his seisin again of the aforesaid half virgate of land, saving to John de la Stokke the aforesaid 3*s*.

ROLL No. 775. (HAMPSHIRE.)

This is a roll of 25 membranes, containing both civil pleas and pleas of the crown. It bears the date 20 Hen. III., A.D. 1235–6. Memb. 25 contains essoins which are stated to have been taken at Winton' on Monday the morrow of the Epiphany in the 20th year.

Memb. 1.

Pleas and assizes before W. de Eboraco and his companions at Winton' in the 20th year of the reign of King Henry, son of King John.

Memb. 7.

394*a*. W. de Ral[eigh] and his companions have notified the justices by their writ that Katharine, the wife of Michael son of Ralph, has put in her place Nicholas de Heghton, or Walter de Neuton, against William de Monte Acuto on a plea of warranty of dower which Lucy de Monte Acuto seeks against the same William.[1]

ROLL 174. (DEVONSHIRE.)

The title on Memb. 1 gives the date of this roll as the summer of A.D. 1238, 22 Henry III. It comprises forty-three membranes, and contains no pleas of the crown. On Memb. 22 we have an indication of the justices' intention to be at Ilchester on the 22nd July following. On Memb. 43 are pleas taken there.

[1] In the margin are "Sussex, Somerset and Northampton," being the counties in which presumably the lands in question lay. Sometimes the name of a county in the margin indicated the place of service of a party, such as a warrantor.

Memb. 1.

Essoins *de malo veniendi*, taken at Exeter on Thursday next before the feast of St. John the Baptist before W. de Eboraco and his companions itinerant in the county of Devon in the twenty-second year of the reign of King Henry son of John.

Essoins taken at Exeter on the morrow of St. John the Baptist.

394*b*. William de Bere, the attorney of John de Aure, against John Ruffus of Lamihet, on a plea of land, whereon the grand assize [was claimed] by William Russel on Saturday next after the quindene of St. John the Baptist.[1] He has pledged his faith. The same day is given to Agnes, wife of the aforesaid John de Aure, by her attorney *in banco*. And the twelve knights did not come. Therefore the sheriff, who was present, was ordered that he should then have the bodies of all, etc.

Essoins taken at Exeter on the quindene of St. John the Baptist.

394*c*. Lucy Malet against Richard de Cumb' and Elaria his wife, and Hugh Peverel and Isabella his wife, on a plea of portions, by Gilbert de Knappe. In one month from St. John Baptist's day at Ivelcestr'. She has pledged her faith.[2]

Essoins at Exeter on Thursday next before the festival of St. Mary Magdalene.

394*d*. Robert de Mandevill', whom Roger de Acast' vouches to warranty against Ralph son of Bernard on a plea of assize of mort [d'ancestor], by Robert de Taillor. On the next coming of the justices, by pledge of William de Bosco of Haub'ton'. And W . . . de Bathon the Sheriff has the writ.

394*e*. The Master of the Hospital of St. John of Bristoll' against John Bretesch', on a plea that he should permit him to have pasture by Ralph de Coteswald'. On the quindene of St. Michael at Westminster. And John puts in his place Hugh de Dunestere, clerk.[3]

[1] In the margin is "*ve* ÷" i.e., *venitus est*. See further as to this case No. 394*f*, and No. 394*p*.

[2] In the margin is "*no* ÷," i.e., *non est*. See further as to this case No. 394*q*.

[3] "*no* ÷" in the margin.

Memb. 2.

Pleas and assizes at Exeter in the county of Devon before William de Eboraco and his companions, justices itinerant for all pleas, on Thursday next before the feast of St. John Baptist, in the twenty-second year of the reign of King Henry son of King John.

Memb. 22.

394*f*. The grand assize between John de Lanyyette, claimant, and John de Aure and Agnes his wife, tenants, of half a virgate of land, with the appurtenances, in Wandest', is put in respite until Thursday the feast of St. Mary Magdalene at Ivelcestr' for the want of knights, of whom only eight came on the day, etc. Let the sheriff have the bodies of the others, etc.

Memb. 43.

Pleas and assizes taken at Ivelcestr' before W. de Eboraco and his companions in the twenty-second year of the reign of the King.

394*g*. The assize comes to recognise whether Roger de Montfriard, Thomas de Gynes, Hugh de Columbers, Thomas le Marescal, and Hugh de Dereberg', unjustly, etc., disseised Peter de Tukeswell of his free tenement, in Tukeswell, since the first coronation, etc., and neither Roger, nor any one of the others, comes, nor were they attached, because they were not found. Therefore let the assize be taken against them by default. The jurors say that the aforesaid Peter put in his view (*posuit in visu suo*) fifteen acres of land which, by reason of a certain covenant made between him and Henry his father, the same Henry ought to hold for his life for his support; and whereas Henry held that land for some time, he gave it soon after to Roger de Monfriard' as a marriage gift with a certain daughter of his, wherefore they say that the said Henry disseised him [Peter]. And because it is manifest that Henry, the father of Peter, disseised him of the said land, and not the aforesaid Roger, it is considered that Peter should take nothing by that assize, and should be in mercy for his false claim. He may procure a writ of entry against Roger if he wishes. All the jurors of the same assize

are in mercy for their false statement,[1] to wit, William Pilloc, Peter de Bere, and their companions. Let them be in custody. Afterwards they made fine for 40*s.*, by pledge of John de Reingni, and Ralph son of Bernard. Peter's amercement is pardoned by the justices.

394*h*. The assize comes to recognise whether Richard le Bigot unjustly, etc., disseised the Abbot of Cirencestr' of his common of pasture, in Marston, which appertains to his free tenement in Frome, since the first crossing, etc. Robert de Merland, Hugh Tunerre, Robert de Watelegh', and Robert de Mele, recognitors of the same assize, did not come. Therefore they are in mercy. The jurors say that the Abbot put in his view (*posuit in visu suo*) a certain pasture which is called le Mareis, and a certain other pasture between Appedhull' and Thigkethorn', concerning which they say that the said Richard disseised him of his common of pasture in le Mareis, as the writ says. Therefore it is considered that the Abbot should recover his seisin by view of the recognitors. Richard is in mercy, by pledge of William le Butelier and William de Hardington. They say also concerning the common of pasture between Appedhull' and Thikkethorn, that he [Richard] did not disseise him as the writ says, because he was never in seisin thereof within the time aforesaid.[2] Therefore Richard, as to this [may go] without a day, and the Abbot is in mercy, by pledge of Robert de Blakeford' and William Branche. Afterwards the Abbot came and made fine for 5 marks, by pledge of the same, and Richard 10*s.* by the pledges above-mentioned. Damages, $\frac{1}{2}$ mark.

394*i*. The assize of novel disseisin which Thomas de Hautevill' arraigned against William Malreward', John Maireward', and many others named in the writ, touching his common of pasture in Norton' Malreward', which appertains to his free tenement in Norton Hautevill', remains without a day because William Malreward', who was the principal disseisor, has died.

394*j*. The assize comes to recognise whether Walter Eskelling, Thomas Mautravers, Robert de Holewall', Henry le Marescal, Richard Hicheman, and Luke de la Bare unjustly, etc., disseised Osbert Giffard of his free tenement in Hakkeford'

[1] What this was does not appear.
[2] That is, of limitation.

Eskeling', since the first crossing, etc. Walter Eskeling' and Henry le Marscal come and allege nothing wherefor the assize should remain. Thomas Maltravers, Robert de Holewall, Richard Hicheman, and Luke de la Barr do not come, and they were attached by the aforesaid Walter. Therefore all are in mercy. Let the assize be taken by default. William de Nutsford, Gregory de Lacerton, and John de Esse, recognitors of the same assize, have not come. Therefore all are in mercy. Afterwards Walter came and confessed that, after the death of Osbert Giffard, father of the aforesaid Osbert, he carried off hay from a certain park, touching which this assize is arraigned, which contains about 27 acres, because he believed that he had the custody thereof after the death of the said Osbert. Therefore it is considered that he disseised him [Osbert]. Therefore let Osbert have his seisin by view of the recognitors, and Walter is in mercy. Let an inquiry as to damages be made by the recognitors, who say that the total of the damages is 50*s*. Afterwards Walter came and found pledges, Nicholas de Molis, William de Paris, Richard Mucegros, and Robert de Turbervill. Pledges of Henry Marescall, Walter Eskelling and Richard Mucegros. Afterwards Walter came and made fine for 100*s*., by the pledges aforesaid. Damages, 50*s*.[1]

394*k*. The assize comes to recognise whether Gerald de Coker and Matilda his mother, Robert de Winterburn', William de Coker, and William de Funtel, unjustly, etc., disseised Isabella, daughter of John Seynnoc, of her free tenement in Wrthile, since the first crossing, etc. Gerald and the others, except Matilda, come and allege nothing wherefor the assize should remain. The jurors say that Gerald and all the others disseised her, as the writ says. Therefore it is considered that Isabella should recover her seisin by view of the recognitors, and Gerald and all the others are in mercy, by pledge of Richard de Langeford, then sheriff. Damages, 2*s*.

394*l*. The jury (*jurata*) of twenty-four, to convict twelve,[2] comes to recognise by Michael de Berton, Adam le Waleis, William son of Arthur, Laurence de Sancto Mauro, Pharamond

[1] In the margin are the county names, Somerset and Dorset. But the land, Ockford Shilling, is in Dorset.

[2] As to this procedure, see note to No. 487. The roll only names twenty-two jurors.

de Bononia, William de Dicmere, William le Daneis, Henry le Vikers, Geoffry de Eston, Robert de Menigne, William de Welwenton', Robert de Coker, William de Coker, William de Draicote, Robert de Eston, Roger de Langeford, Savaric de Cinnoc, Gilbert le Daneis, William Maleherbe, Matthew de Clivedon, Robert de Clavill', and Robert de Blakeford, whether Ernisius de Dunhevid unjustly, etc., disseised the Abbot of Glaston of his common of pasture in Dunhevid, which appertains to his free tenement in Melnes, since the first crossing, etc. who say upon their oath that the aforesaid Ernisius did disseise the Abbot, as the writ says, because, they say, that the Abbot always had common of pasture in Dunhevid, as appurtenant to his free tenement in Melnes, except a certain close, called Hundehevid, with the appurtenances. Therefore it is considered that the jurors of the said assize of novel disseisin have well sworn. Therefore let them be quit, and let the Abbot have his seisin by view of the recognitors. Let Ernisius be committed to gaol. Afterwards Ernisius came and made fine for 20 marks by pledge of William Branche, John de Peanton', Henry de Stanwell, Ba . . . de Emnebergh, William Haket, Walter de Wike, William de Paris, and Nicholas de Liteltun.

394*m*. Robert de Curtenai, who brought a writ of novel disseisin against John Briuwar touching a free tenement in Cruk', and . . . an assize against him and others concerning a certain dyke in the same, does not proceed. Therefore he and his pledges are in mercy, to wit, William the goldsmith, Algar de Cruk', Robert de Clavill', and Adam de Gyaines.

394*n*. The assize comes to recognise whether Henry le Gant unjustly, etc., raised a certain dam in Wer' to the injury of the free tenement of William son of Walter de Cedre in Cedre, since the first crossing, etc. Henry comes and alleges nothing wherefor the assize should remain. Simon de Berghes, Henry de Bigesand, and Robert de Gatemor', recognitors of the same assize, did not come. Therefore they are in mercy. The jurors say that Henry did raise the dam, as the writ says. Therefore let it be thrown down by view of the recognitors, and Henry is in mercy, by pledge of William de Poelet and Robert his brother. Damages, 2*s*.

Memb. 43*d.*

394*o*. The assize comes to recognise whether Robert de Meifill, Robert de le Stane, William Portebref, Peter Ruffus, Henry de Cherlton', and Robert le Marescal, unjustly, etc., disseised the Prior and convent of Breuton, etc. Afterwards the Prior came and sought leave to withdraw his writ, and he had leave.

394*p*. The assize comes to recognise whether John de Aure, William the clerk, and John de la Wiche, unjustly, etc., disseised John Ruffus of Lamiette of his common of pasture in Wandestr', which appertains to his free tenement in the same vill, since the first crossing, etc. William the clerk and John do not come. They were not attached, because they were not found. John de Aure, who comes, alleges nothing wherefor the assize should remain. Geoffry de Lawerton, William de Raden', Maurice de Boclande, and Robert Malherbe, recognitors of the same assize, do not come. Therefore all are in mercy. John de Alre [says] that John Ruffus holds of him half a virgate of land in Wandestr', that he has sufficient pasture for the whole of his tenement, and that it was provided by the Council of our lord the King and the magnates of England that a lord might do with his land what suited him, saving sufficient pasture for his tenants, according to their tenements. Therefore it seems to him that the assize ought not to proceed. John Ruffus says that John [de Aure] so closed against him the way to his common of pasture that he could not have free ingress thereto. Afterwards John de Lamiete came and withdrew himself by leave, and John de Aure granted to John de Lamiette common of pasture for the whole of the tenement which he holds in the same vill, with free ingress and egress. The same John de Lamiette seeks against John de Aure half a virgate of land, with the appurtenances, in Wandestre, whereon the grand assize, etc. [was claimed]. John de Alre gives 1 mark for a licence to agree by pledge of John de Reinni. A day is given them to take the chirograph at Westminster on the quindene of St. Michael. John de Alre puts in his place William de Bere to take his chirograph.[1]

[1] See further as to this, cases Nos. 394*b* and 394*f*. The particulars of the fine are to be found in "Somerset Fines," p. 104, No. 24.

394*q*. Richard de Cumbe and Hillaria his wife, and Hugh Peverel and Isabella his wife, by the attorneys of Hillaria and Isabella, seek against Lucy Malet two parts of the manor of Widecumbe, with the appurtenances, as the right of Hillaria and Isabella. Lucy comes and seeks a view. Let her have it. A day is given them at Westminster on the morrow of All Souls. And in the meantime, etc. [let the view be made]. And Hugh Peverel puts in his place William son of Ralph.[1]

394*r*. The assize comes to recognise whether Henry de Cerne, Nicholas Balistarius, John de Filesham, and Hugh his brother, Adam le Jovene, and Robert son of Edwin unjustly, etc., disseised Robert de Bruwes of his free tenement in Stapl' since the first crossing, etc. No disseisor comes, and the sheriff could not attach them because they were of the liberty of the Bishop of Winton. Therefore let the assize proceed against them by default. Ralph de Munsorel, John Ostriciarius, Thomas le Keel, Gilbert de Torne, and Robert de Valle, recognitors of the same assize, have not come; therefore they are in mercy. Be it known that Robert de Briuwes does not come, but Hugh de Stanton' comes for him, and is his attorney by writ of our lord the King, etc. The jurors say that Henry and the others did disseise Robert, as the writ says, and that villeins of the Bishop of Winton', who is dead, hold the tenement concerning which this assize is arraigned. A day is given them before our lord the King to hear their judgment, and they are told that they should follow W. de Ebor' so that they may be before our lord the King, when he shall be there. Damages, ½ mark.

ROLL No. 1174. (DIVERS COUNTIES.)

This is a collection of four membranes made up of ten separate fragments, in various handwritings, stitched together. The heading of Memb. 1 cannot be relied upon with any certainty to belong to anything more than the particular fragment of parchment upon which it is written. The roll is probably made up from the survivals of several other rolls of about the same period.

[1] See *ante*, No. 394*c*.

Memb. 1.

Assizes of novel disseisin taken before Henry de Bathon', Gilbert de Preston', Geoffry de Ermenteriis, and Walter de Deneford', on Sunday next after the feast of All Saints at Clopton' in the 25th year of King Henry, son of King John.

Memb. 3.

395. The assize of last presentation to be taken at Tanton' on the morrow of the Sunday after Easter in the 24th year of King Henry son of King John, which John de Arundel arraigned against the Prior of Leg' by the precept of our lord the King[1] upon the last presentation to the church of Samford Arundel before Sir Reginald de Moyn, Richard de Wroteham, William Malet, and Hamelin de Dandon, justices constituted for this purpose by order of our lord the King.

On the said day came John de Arundel and the Prior of Lega and the assize; but two of the justices, to wit, Reginald de Moyn and Richard de Wroteham, did not come, only William Malet and Hamelin de Dandon, who were unwilling to take the assize in the absence of their companions, and therefore they postponed them [the parties] to another day, to wit, to that day fortnight (*a die illo in* 15 *dies*).

On that day William Malet and Hamelin de Dandon came. Reginald de Moyn and Richard de Wroteham did not come. John came, and prayed an assize against the Prior, and the Prior joined. And John de Arundel and the Prior of Leg' came and consented and prayed that those two justices, William and Hamelin, should take the assize, who had not then considered of this matter, nor dared [take the assize] before they should have the counsel of the court of our lord the King. Therefore they put them [the parties] off to a day, to wit, the Friday next after the Feast of Trinity, and in the meanwhile Hamelin de Dandon went to the court so that he might have advice whether he and William Malet might take the assize in the absence of their companions. He explained to Sir Henry de Bracton the absence of his companions, and that both parties agreed and

[1] This order of the King must have referred to the place of trial, and not to the arraignment.

prayed that he and William Malet should take the assize. Sir Henry de Bracton advised him that they should take the assize.

On the Friday next after [Trinity] William Malet and Hamelin de Dandon came, and John de Arundel and the Prior of Lega' prayed the assize, and agreed that they two should take the assize. And the assize was brought together and sufficiently chosen, and it agreed. And it was inquired by the justices whether they [the parties] knew anything against the assize.[1] And the Prior came and said that the assize ought not to be, or proceed, because he had a charter of Roger de Arundel, and he produced it to the justices and said that the same Roger gave to God and the canons of Leg' the church of Samford to their own proper use in the time of Ralph de Hospital, then Prior, and he showed the confirmation of Savaric, Bishop of Bath, that he should have that church to their own use after the death of Ralph de Hospital, then Prior of Lude. He produced the confirmation of Nicholas de Arundel, son of Roger de Arundel. Further, the Prior said that at one time he received 20*s.* from the same church. John de Arundel came, and said that after the death of the aforesaid Ralph de Hospital, Roger de Arundel his grandfather, presented in the time of peace to that church a certain person, by name William Corbyn, who, upon his presentation, was canonically admitted and instituted to the same church, who died, and upon his death the church was vacant. And he put himself upon the assize. The Prior then came, and said that neither Roger de Arundel' nor any heir of him, after the death of Ralph de Hospital, presented any person to the same church, neither the aforesaid William Corbyn nor anyone else, and therefore he put himself upon the assize, and it was taken. . . . [The jurors said?] that Roger de Arundel presented in the time of peace the last parson who died to the church of Samford and appointed William Corbyn and after the death of Ralph de Hospital, on which presentation [William] was canonically admitted and instituted. Therefore John de Arundel should recover his seisin of the advowson, and the Prior was in mercy.

Memb. 3*d.*

And the Prior comes, and admits that he agreed that the aforesaid William and Hamelin should take the assize in the

[1] Why, that is, the assize should not proceed.

absence of their companions, and that he put himself upon the assize whether Roger, the grandfather of John, presented to the same church one William Corbyn, who, on his presentation, was admitted to that church and instituted after the charter was made to the Prior. The jurors say that the aforesaid Roger presented at the last presentation to the same church, to wit, the said William. Therefore it is considered that William and Hamelin have not done false judgment to the Prior. Therefore the Prior is in mercy, and William and Hamelin go quit. Afterwards that amercement and the other before the other justices are pardoned because the Prior is poor. Let him take a writ of right against the heir if he wish.[1]

ROLL No. 1176. (DIVERS COUNTIES.)

Although included in the calendar amongst the Assize Rolls, this collection of twenty-seven membranes is not a record of any proceedings before the justices. It is a record of writs of the grand assize extending apparently over a period from 23 Henry III. (see Memb. 25) to 49 Henry III. (see Memb. 18*d*.). The writs relating to Somerset only have been extracted.

Memb. 1.

396. Martin de Coker, tenant, puts, etc.,[2] against William de Hevenbar', concerning a fourth part of one hide of land with the appurtenances in North Coker, and prays, etc.,[3] which of them have the greater right in that land. Witness, etc.

[1] In this case the Prior was suing the two justices who had previously tried a plea of darrein presentment between John de Arundel and himself on the ground that they had wrongly tried the plea in the absence of their two associates, justices specially assigned with them to try the issue. The proceedings upon the earlier trial are first set out, then the whole case seems to have been reheard, whether by the same jury or not does not appear, with the result that the Prior again fails. *Quære* whether John had died in the meanwhile? for the Prior has leave to take a writ of right against "the heir," if he be so minded. Or was John himself referred to by that description as the heir of Roger? Apparently he did so wish, for the quarrel seems to have been settled by a fine between the Prior and John Arundell, tenant, in 27 Hen. III.: see *post* No. 555. The case is interesting as giving Henry de Bracton's opinion as to the power of two out of four justices to try the case under the circumstances.

[2] Puts himself, that is, upon the grand assize.

[3] *i.e.*, Prays a recognition to be made.

397. Adam son of Jordan, tenant, puts, etc. against Walter son of Henry, concerning two parts of half a virgate of land with the appurtenances in Cusinton', and prays, etc., whether he have the greater right to hold that land in demesne or the same Walter to hold the same of him. Witness, etc.

Memb. 1*d.*

398. Stephen the chamberlain (*camerarius*), tenant, puts, etc. against Isolde de Glastonia, concerning half an acre of land with the appurtenances in Welles, and prays, etc., whether he or the said Isolde have the greater right in that land, etc.[1]

Memb. 2.

399. Walter le Waleis (*Walensis*), tenant, puts, etc. against William de Welleslegh, concerning two parts of half a virgate of land with the appurtenances in Churchehull, and prays, etc., which of them have the greater right in that land. Witness, etc.

Memb. 4.

400. Roger son of Avice, tenant, puts, etc. against Ralph le Waleys, touching one virgate and a half of land with the appurtenances in West Chikerel, and prays, etc., whether he have the greater right to hold that land of the aforesaid Ralph or the same Ralph to hold it in demesne. Witness, etc.

Memb. 5.

Roll of the grand assize for the 26th year.

401. William de Butecleye and Christiana his wife, tenants, put, etc. against William de Neuport and Alice his wife, concerning one shop (*sopa*) with the appurtenances in Glaston', and pray, etc., whether they or the aforesaid William and Alice have the greater right in that shop. Witness, etc.

402. Richard de Dulting' and Denise his wife, tenants, put, etc. against Henry le Chedere and Eva his wife, concerning three messuages with the appurtenances in the suburb (*suburbio*) of Bristol, and prays, etc., whether they or the aforesaid Henry

[1] A few entries above this, on the same membrane, we have a writ tested at Woodstock on the 26th May.

and Eva have the greater right in those messuages. Witness, etc.

Memb. 6.

Roll of the grand assize for the 26th year.

Memb. 7*d.*

403. William Petyt, tenant, puts, etc. against Robert Wulbold', concerning half a virgate of land with the appurtenances in Loghton', and prays, etc., which of them have the greater right in that land. Witness, etc.

Memb. 10*d.*

404. Walter de la Bere, tenant, puts, etc. against Thomas de Reyny and Joan his wife, concerning one messuage, six acres of land, and three acres of meadow, with the appurtenances in Hevecriz, and prays, etc., whether he or the aforesaid Thomas and Joan have the greater right in the said messuage, land, and meadow.

Memb. 11.

405. Nicholas de Bissopeston' and Alice his wife, tenants, put, etc. against Richard de Penne, concerning one messuage, half a virgate of land, and one acre of meadow, with the appurtenances in the vill de Monte Acuto, and prays, etc., whether they or the aforesaid Richard have the greater right in that land, messuage, and meadow. Witness, etc.

Memb. 13.

406. Andrew son of William le Fraunceys, tenant, puts, etc. against Robert de Cuntevill', concerning half a ferling of land with the appurtenances in Alleunarton', and prays, etc., which of them have the greater right in that land. Witness, etc.

Memb. 13*d.*

407. Richard de Horton' and Hawise his wife, tenants, put, etc. against Thomas le Ercedekne, concerning two virgates of

land with the appurtenances in Horton, and prays, etc., whether they or the aforesaid Thomas have the greater right in that land. Witness, etc.

Memb. 14*d.*

Roll of the 40th year.

Memb. 15.

Roll of the 41st year.

Memb. 15*d.*

The 42nd year.

Memb. 16.

Roll of the 43rd year.

408. Alan de Walton', tenant, puts, etc. against Matthew de Stane, claimant, concerning one virgate of land with the appurtenances in Berton', and prays, etc., whether he have the greater right to hold that land in demesne or the aforesaid Matthew to hold it of him. Witness, the King, at Westminster, the 19th February.

409. The Master of the Hospital of Saint John at Bristol, deforciant, puts, etc. against John Bretasch', touching the customs and services which the aforesaid John demands of the said Master in respect of a tenement which he [the Master] holds of him in Budicumbe, etc., and prays, etc., whether he should owe to John scutage for that tenement when it should happen, only, as he [the Master] admits, or, the same service, and in addition the same suit, to his [John's] court every three weeks, as John requires of him. Witness, the King, at Wodest'[1] the 3rd June.

Memb. 16*d.*

Roll for the 44th year.

Memb. 17.

Roll of the 45th year.

[1] Woodstock.

Memb. 18.

Roll for the 47th year.

Memb. 18*d.*

Of the 48th year.
Writs of the 49th year of the King.

Memb. 19.

410. Christiana, daughter of Roger de Tracy, tenant, puts, etc. against William Wering', concerning one burgage (*burgagio*) and two acres and a half of land, with the appurtenances in Chedehunt', and prays, etc., whether she or the aforesaid William have the greater right in that burgage and land. Witness, etc.

411. William parson of the church of Murilinch, tenant, puts, etc. against William Malet, concerning one messuage, thirteen acres of land, fifteen perches, and one-third part of one perch of meadow, with the appurtenances in Sutton', and prays, etc., which of them have the greater right in that land, messuage, and meadow. Witness, etc.

Memb. 21*d.*

412. Gervase son of Walkelin, tenant, puts, etc. against Richard de Marisco, concerning ten acres of land and one messuage with the appurtenances in Hunnespill', and prays, etc., which of them have the greater right in that land and messuage.

Memb. 23.

413. John Cusin of Merkestok, tenant, puts, etc. against Hugh de Bruges and Alice (*Aleis'*) de Brugis, concerning half a virgate of land with the appurtenances in Brugis, and prays, etc., whether [she] have the greater right to hold that land of the aforesaid Hugh and Alice or they to hold it in demesne.

Memb. 23*d.*

414. Elias Beelde, tenant, puts, etc. against Henry the carter (*carectarius*) of Ivelcestr', concerning one virgate of land with the appurtenances in Middle Sowy, and prays, etc., which of them have the greater right in that land. Witness, etc.

Memb. 24*d.*

415. Robert de Cumwyz, tenant, puts, etc. against Hugh Streech', concerning one messuage, twenty acres of land, and twenty-six acres of meadow, with the appurtenances in Burcot', and prays, etc., which of them have the greater right in that messuage, land, and meadow, etc.

Memb. 25.

Roll of the grand assize of the 23rd year.

416. Gilbert the miller of Wyke, tenant, puts, etc. against Isabella daughter of Henry, concerning one virgate and five acres of land and one mill, with the appurtenances in Wike, and prays, etc., which of them have the greater right in that land and mill. Witness, etc.

Memb. 25*d.*

417. Eborard son of Walter, tenant, puts, etc. against Ralph le Sauvage, concerning a third part of one messuage with the appurtenances in the suburb of Bristol, and prays, etc., which of them have the greater right in the third part of that messuage.

418. Geoffry de Tymercume, tenant, puts, etc. against Ernisius de Dunheved, concerning one messuage with the appurtenances in Welles, and prays, etc., whether he have the greater right to hold that messuage of the aforesaid Ernisius or he [Ernisius] to hold [it] in demesne. Witness, etc.

Memb. 26.

419. Ernisius de Dunheved, tenant, puts, etc. against Michael abbot of Glaston', concerning four messuages, three ferlings of land, and fifteen acres of wood with the appurtenances in Melles, and prays, etc., which of them have the greater right in those messuages, land, and wood. Witness, etc.

Memb. 26*d.*

420. Henry Maloysell', tenant, puts, etc. against Nicholas By Nothweie, concerning ten acres of land and one acre of meadow with the appurtenances in Ghyatton', and prays, etc., which of them have the greater right in that land. Witness, etc.

ROLL No. 695. (OXFORDSHIRE.)

This roll and No. 696 seem to be portions of two different records of the same eyre. They contain many entries in common. Some, but not all, of the following Somersetshire entries are to be found also in No. 696. The latter roll contains the schedule of amercements and some membranes devoted to pleas of the crown which are wanting in No. 695. The date of the roll is A.D. 1241.

Memb. 1.

Essoins *de malo veniendi* taken at Oxford in the quindene of Easter in the 25th year of the reign of King Henry son of King John, before W[illiam] de Eboraco, Provost of Beverlac',[1] and his companions.

Memb. 3.[2]

Essoins *de malo veniendi* taken at Wicumb on Friday next after the feast of the Apostles, Philip and James.

Memb. 2*d.*

420*a*. Richard de Bradestan', the attorney of Hugh de Vivon, against Avelina, formerly the wife of Fulk de Merk, on a plea of dower, by Richard the ploughman. He has pledged his faith.

Memb. 4.

Pleas at Oxford in the quindene of Easter before W. de Eboraco, Provost of Beverlac', and his companions, justices itinerant, in the 25th year of the reign of King Henry son of King John.

Memb. 5.

420*b*. Ralph son of Nicholas offered himself on the fourth day against Catharine, formerly the wife of Michael son of Nicholas, on a plea why, after the death of Michael her husband, she intruded upon one knight's fee,[3] with the appurtenances, in

[1] Beverley.

[2] This membrane is stitched to the foot of Memb. 2. The entries upon it therefore precede those on the *dorso* of Memb. 2.

[3] This roll has "*domus*" in addition to the knight's fee, but the word does not occur in Roll No. 696, or in subsequent rolls in which the case is recorded.

Westcinnok, which remained to the same Ralph by virtue of a fine[1] made in the court of our lord the King, before the justices at Westminster, between William de Holedon, claimant, and the said Michael and Catharine, tenants, etc. Catharine did not come. She was attached by William Coch' and Gervase de Fenhamton. Let her, therefore, be put under better pledges, that she be at Laherre, in the county of Surrey, on Sunday next after the ascension of Our Lord; and the first, etc. And Ralph puts in his place Henry de Langeton' or Henry de Draicote.[2]

420*c*. Wentliana, wife of Nicholas son of Roger, puts in her place Matthew de Bakepeth' against John Bretesch, William de Albiton',[3] and others named in the writ, on a plea of dower, etc.

Memb. 12.

420*d*. Nicholas son of Roger and Wenclina his wife seek against John Bretesh' one-third part of the manor of Shenedon, with the appurtenances, and one-third part of the manor of Alurington, with the appurtenances, except one virgate of land, with the appurtenances, and one-third part of one-half of the manor of Bacwell, with the appurtenances, in the county of Somerset, as her dower, etc., and whereof John le Sor, her first husband, endowed her, etc. John came, and also as bailiff of Richard the Earl[4] (*et tamquam ballivus R. Com.*) and with the licence and assent of the Abbot de Bello Loco Regis, of Robert de Escalle and W. de Eboraco, Provost of Beverlac, custodians of the lands of the said Earl in England, gave up to them her dower, and Nicholas son of Roger gives ½ mark for a licence to agree. Therefore he [may go] without a day. Let them have their seisin. The same Nicholas confesses that he owes the said Earl for the custody of the lands and heirs and marriage of the heirs of the aforesaid John le Sor 235 marks, of which he

[1] See "Somerset Fines," p. 105, No. 27.

[2] Lambeth. The place is not named in the entry on Roll 696. See further as to this case, Nos. 420*n* and 420*y*.

[3] Roll 696 has "Alliton." In the margin is written Gloucester and Somerset. (See No. 420*d*).

[4] I think that Richard de Clare, Earl of Gloucester, must be intended. Backwell was held by another John Sor of the Earl of Gloucester (see "Kirby's Quest," Som. Rec. Soc., p. 29). According to Collinson there was a family connection between the Sors and Clares (vol. ii, p. 306). The Abbot of Bello Loco was the Abbot of Beaulieu in Hampshire, where Isabel de Clare was buried (Dugd. Baronage.)

will pay at the festival of St. Michael in the twenty-fifth and beginning of the twenty-sixth years, 80 marks at St. James in Bristoll, and at Easter next following 80 marks, and at the feast of St. John Baptist next following the same 75 marks, and unless he does, etc., he grants, etc.[1]

420*e*. A day is given to Robert de Neuton', claimant, and James de Orchard, tenant, of the manor of Orchard at Canterbury, in three weeks after Trinity, etc.[2]

Memb. 13*d*.

420*f*. Jordan de Harpeford' offered himself on the fourth day against Margery, formerly the wife of William de Bodevill', on a plea why she made waste, sale, and ruin of the lands, houses, gardens and woods which she holds in dower of the inheritance of the said Jordan in Langeford to the disherison of him, Jordan, contrary to the prohibition, etc.[3] Margery did not come. She was attached by Ranulph de Flury and John Cape. Therefore let her be put under better pledges that she be present on the next coming of the justices; and the first, etc.

ROLL No. 867. (SURREY.)

This roll and No. 868 are also in a measure duplicates. They record proceedings at Lambeth and elsewhere in Surrey in A.D. 1241.

Memb. 1.

Essoins taken at Lamheye, in the county of Surrey, in five weeks after Easter, before W[illiam] de Eboraco, Provost of Beverlac, and his companions, justices itinerant, in the twenty-fifth year.

Memb. 1*d*.

420*g*. Nicholas de Meriette against Richard de Dunmere to hear his judgment on a plea of customs and service (*de plac̃ aud̃*

[1] Gloucester and Somerset in the margin.
[2] The matter was there and then settled by a fine. See "Somerset Fines, p. 108, No. 38.
[3] See note to No. 668.

judm suū de conſ t ſuic̃) by Richard le Norreis. Joan wife of the same Nicholas against the same by Richard son of Hugh.[1]

Essoins *de malo veniendi* taken at Bermundes' on the morrow of the ascension of Our Lord.

420*h*. Robert de Gurnay against the Master of the Knights of the Temple in England on a plea of land, by John son of Walter.

Memb. 2.

Essoins taken at Bermundes' on Sunday next after the ascension of Our Lord.

Essoins taken there on Monday next after the ascension of Our Lord.

420*i*. Robert de Litlecote, the attorney of Adam le Waleis, against the Prior of St. Swithun of Winton' on a plea by what right, whereon inquest, by Nicholas le Frankelein, in three weeks after St. John Baptist's day at Lewes in the county of Sussex. He has pledged his faith. None of the jurors comes. Therefore let the sheriff have the bodies of all, etc.[2]

420*j*. Agnes,[3] wife of Gervase de Hatton', against James de Chissedun' on a plea of land, by Walter Page. On the next coming of the justices. He has pledged his faith. The same day is given *in banco* to Gervase, the husband of Agnes.

Memb. 3.

Pleas and assizes at Bermundes' in the county of Surrey, in five weeks after Easter, in the 25th year, on the eyre of William de Eboraco, Provost of Beverlac, and his companions.

Memb. 3*d*.

420*k*. Robert de Gurnay puts in his place John de Fernton against the Master of the Knights of the Temple in England on a plea of land, etc.

[1] This entry is intended to be struck out. In the margin is "*ve* ÷." In Roll No. 868 it is also struck out, but there it appears under the following title :—"Essoins taken on the same day at Westminster concerning the eyre of Henry de Bathon." There are about a dozen other entries of the kind relating to Wilts, Southampton, Dorset, Gloucester, Sussex, and Devon, under the same head. I have not seen another case of a record of proceedings in two different courts on the same roll such as this. Roll 868 says nothing about hearing judgment, and describes the dispute as a plea of warranty of charter. See No. 420*m*.

[2] "*no* ÷" in the margin.

[3] Over her name is written "*habet virum*."

Memb. 5.

420*l.* Avelina,[1] formerly the wife of Fulk de Merk', seeks against Hugh de Vivien one-third part of 50*s.* of rent, with the appurtenances, in Schepton', as her dower, etc. Hugh comes and by licence they are agreed, and the agreement is that she should release the whole for 8 marks, which he will pay by the octave of St. John Baptist, and unless he do, it is agreed that the sheriff may cause, etc.

Memb. 7.

420*m.* Richard de Dunmere offered himself on the fourth day against Nicholas de Meriette and Joan his wife on a plea that they should discharge him of the customs and services which Richard, Count of Poictou and [Earl] of Cornwall, claims of him touching the free tenement which he holds of them in Dunmere, and whereof the same Nicholas and Joan ought to acquit him, etc. They did not come, etc., and they were attached by William Augevin' and William Metlefrem. Therefore let them be put under better pledges that they be at Westminster on the octave of St. Hilary, etc., and the first, etc.[2]

420*n.* Ralph son of Nicholas offered himself on the fourth day against Katharine, formerly the wife of Michael son of Ralph, on a plea why, after the death of her husband, she intruded upon one knight's fee, with the appurtenances, in West Cinnok, which should remain to the same Ralph by virtue of a fine made in the court of our lord the King before the justices at Westminster[3] between William de Holenden, claimant, and the said Michael and Katharine, tenants. She does not come, etc. She was attached, first by William Coche and Godfrey de Fenhampton; secondly, by William Rugecote and William de Barneville'. Therefore all are in mercy. Let Katharine be distrained by her lands, etc., that she be at Canterbury in one month after Trinity, etc.

[1] In Roll 868, Avelina is called Juliana, and Hugh is Hugh de Vinny. No doubt it should be Hugh de Vivon.

[2] In the margin is "$\frac{1}{2}$. b."

[3] In 22 Hen. III. See "Somerset Fines," p. 105, No. 27.

ROLL No. 359. (KENT.)

The date of this roll is A.D. 1241.

Memb. 1.

Pleas and assizes taken at Canterbury, in the county of Kent, on the octave of Trinity, in the twenty-fifth year of the reign of King Henry son of King John, before W[illiam] de Eboraco, Provost of Beverlac, and his companions.

Memb. 2.

420*o*. Emeric Orcherd gives 20*s*. for licence to agree with Robert de Neuton and James Orcherd on a plea of land, by pledge of Robert de Neuton.

ROLL No. 37. (BERKSHIRE.)

The date of this roll is also A.D. 1241.

Memb. 1.

Essoins *de malo veniendi* taken at Rading on the octave of St. Michael in the twenty-fifth and beginning of the twenty-sixth years of the reign of King Henry son of King John.

Memb. 2*d*.

Essoins *de malo lecti* taken at Rading in three weeks after St. Michael's day.

Essoins *de malo veniendi*.[1]

420*p*. Gerard de Cogres against the same [Helewisa de Mandevill'[2]] upon the like [a plea of dower[2]] by Geoffry de Turribus to the same time [the octave of All Saints, at Ivelcestr[2]]. He has pledged his faith.

420*q*. Ralph de Caylloay against the same upon the same by William Sparke. He has pledged his faith.

[1] These essoins are taken on the same day—three weeks after Michaelmas.
[2] The words in brackets are derived from a previous entry relating to Dorset. See No. 420*s*.

420*r*. Master William de Cogre against the same upon the same by Richard Uppehill. He has pledged his faith.[1]

420*s*. William Fossard by Roger le Wrth. He has pledged his faith.

420*t*. William de Havenebare by William de la Pyne. He has pledged his faith.

420*u*. Geoffry de Gulebare by William de la Pyne the younger.[2]

420*w*. Adam Cok by Walter de Linton. He has pledged his faith.

420*x*. Nicholas Avenel by Richard Page. He has pledged

Memb. 4.

Pleas and assizes taken at Rading on the octave of St. Michael in the 25th and beginning of the 26th years of the reign of King Henry son of King John, before W[illiam] de Eboraco, Provost of Beverlac, and his companions, justices itinerant.

Memb. 10.

420*y*. Katharine, formerly the wife of Michael son of Nicholas was attached to answer Ralph son of Nicholas on a plea why, after the death of the said Michael, her husband, she intruded upon one knight's fee, with the appurtenances, in West Cynnok, which should remain to Ralph by virtue of a fine made in the court of our lord the King who now is at Westminster, between William de Holeden', querent, and the said Michael and Katharine, tenants, etc. And Katharine by her attorney comes and seeks a view. Let her have it. A day is given them on the quindene of All Saints at Ivelcestr', in the county of Somerset, and in the meantime, etc.[3]

Memb. 13*d*.

420*z*. A day is given to Helewisa, formerly the wife of Robert de Mandevill, and Richard, parson of the church of Hardinton', and all others named in the writ, upon a plea of dower, on the morrow of All Souls at Ivelcestr', in the county of Somerset. And Helewisa puts in her place William Morin.

1. In the margin is "*non breve*."
2. This entry is struck out, and the words "*post venit*" added. There is the entr "*non breve*" in the margin.
3. See Nos. 420*b* and 420*n*.

Memb. 16.

420*zz*. Margaret de Sumeri offered herself on the fourth day against John, Dean of Kelveton', on a plea why he held plea in court christian concerning Margaret's chattels which are not [touched] by will or marriage, contrary to the prohibition, etc. And against Henry de Gant on a plea why he sued the same plea in the said court, contrary to the prohibition, etc., and the Dean did not come. The sheriff certified that he [the Dean] had no lay fee, etc. Therefore the Bishop of Bath is notified that he should cause [the Dean] to come to Ivelcestre, in the county of Somerset, on the octave of All Saints, etc. Henry did not come. He was attached by Walter Fab'r of Stoclande and Walter son of Godfrey. Therefore let him be put under gage and better pledges that he be [present] at the said time. And the first, etc.[1]

ROLL No. 756. (SOMERSET.)

This is the roll for Somerset of the eyre held in the 27th year of Henry III. (1242–1243). It is the first record which we have for this county of such an eyre since the King's accession. The rolls of previous eyres, when the justices were sent out to take all manner of pleas, are lost. We know that in 3 Henry III., on the 4th November, writs were issued to the sheriffs of nearly all counties, including Somerset. The form of the writ is to be seen in 1 "Rot. Claus." p. 380, where it appears on a roll of 2 Henry III. This is a mistake, as a comparison of the dates and a reference to the Patent Roll for the 3rd year abundantly show. Perhaps the clerk, when he entered the writ of the 4th November, had forgotten that a new regnal year had begun on the 28th October. We have upon the *dorso* of the Patent Roll a great deal of information, and in particular that the justices assigned for Devon, Somerset, and Dorset were Joscelin, Bishop of Bath and Glaston, John de Baiocis (de Bayeux), Osbert son of William, Robert de Cardinam, John Briwes, and Roger Cole, clerk. The articles of the eyre and form of oath were delivered to the Bishop. The feet of fines for 3 Henry III. are numerous, and show to some extent the movements of the justices in the county. The loss of this roll is a matter of

[1] In the margin twice occurs the note "÷ b."

exceptional regret. The country had just passed through turbulent times. The peace of Lambeth was signed on the 12th September, 1217. The rebellion of the Barons, aided by the French King, was over, and the advisers of the young King were able to direct their attention to local affairs, and to make those visitations of inquiry and redress which, in most counties, were badly needed. The roll of this eyre, we cannot doubt, would have shown us something, if not much, of the consequences of the "*tempus guerre.*"

Another eyre for the county was ordered on the 1st January, 11 Henry III. (1226–7). On this occasion the justices assigned were Thomas de Muleton, Robert de Lexinton, Warin son of Joel, William de Sorewell, and Jordan Oliver. The first day was to be at Ilchester in one month from Hilary (Vol. 2 "Rot. Claus." p. 205*b* and p. 151). The feet of fines for this year are very numerous, so that we may assume the business to have been heavy. On this eyre the citizens of Bath requested the justices to come thither to take the pleas of that place, a request which the judges would not concede until the King was consulted. The Abbot of Glaston also claimed jurisdiction within the twelve hides in the Isle of Avalon in respect of all manner of pleas, to the exclusion even of the royal justices. As to this the King was also promptly consulted. He replied that what liberties the citizens of Bath had they should enjoy; and that, as to the claim of the abbot, no cause should be dismissed from the King's court without reasonable warrant from the King's predecessors shown by the abbot. The justices further informed the King that William Briwer' the elder had made a fishery in the Parret, to the injury of Ilchester and Somerton, and to the prejudice of the whole county. The King's answer was that the justices must do what law and custom demanded, notwithstanding that the fishery was established before the eyre of Joscelin, Bishop of Bath, and his companions in the county (2 "Rot. Claus." p. 174*b*). This exception had reference to the rule that a matter should not be inquired into if it had arisen before the last preceding eyre, and had not then been presented. The letter from the King is dated 8th March, 11 Henry III. On the 12th March the justices were ordered to inform the abbot that he must attend at Westminster in three weeks after Easter to show by what warrant he claimed to hold such court, and that in the meantime all pleas within the Isle of Avalon should be put in respite (2 "Rot. Claus." p. 209*b*). On the 21st May the justices were told not to intermeddle with the matter of the Abbot of Glaston until further instructions. The judges were then in Wiltshire (2 "Rot. Claus." p. 186*b*). On the 18th Feburary, in the same year, the justices were informed that the King, by his charters, had confirmed to the Bishop of Bath, and the churches of Bath, Glaston, and Wells, certain liberties therein specified, and he ordered the justices to have the

charters read before them in every county of their eyre, and to uphold them (2 "Rot. Claus." p. 172*b*). In January the King directed that all pleas of "the part of the vill of Bristol called Radeclive" should be taken before the justices in Somerset, and that the sheriff of Gloucester should not intermeddle therewith (2 "Rot. Claus." p. 167*b*.) In the later roll before us it will be seen that the course so ordained was followed. One more direction of the King, gleaned from the Close Rolls, may not be out of place: The King instructed Robert de Lexinton and his companions that all assizes and pleas summoned before them which were of the bailiwick of Thomas de Cyrencester of the honor of Berkhampstead, and of all other lands in the dower of the Queen, the King's mother, should be held before any of them, together with Thomas, or his attorney, in the Queen's Court (2 "Rot. Claus." p. 169*b*). Thomas de Cyrencester was constable of the castle of Berkhampstead, in Hertfordshire. He was also sheriff of Somerset.

In the following year, 12 Henry III., we have record of five fines levied at Taunton before Thomas de Muleton, Robert de Lexinton, Ralph Musard, John de Baiocis, and Jordan Oliver. Upon what commission the justices were then in the county I am not at present able to say.

The next eyre appears to have been ordered in 19 Henry III. On the 3rd September in that year (1235) Robert de Curtenay, Robert de Lexinton, Adam son of William, Robert de Bello Campo, and Jordan Oliver were commissioned to take all pleas in the counties of Somerset and Dorset ("Pat. Roll" No. 44, Memb. 4*d*). Robert de Curtenay did not sit, Henry de Ortiaco being put in his place (*ibid.*). The feet of fines for 20 Henry III. are exceptionally numerous. All fines levied in the county were taken before the justices above named, except Adam son of William, whose name does not once occur. They range in date between the morrow of the Epiphany at Bath and the Sunday after St. Lucy at Ilchester. St. Lucy's day was 13th December. Between these dates the justices seem to have moved backwards and forwards between Sherborne and Ilchester. In the absence of the roll of the eyre it is difficult to explain their movements, or the reason for the length of their stay in the West, especially as Robert de Lexinton was expected in Coventry on the morrow of Trinity in the same year. ("Close Roll" No. 48, Memb. 14*d*).

We now come to the eyre of 27 Henry III. (1242–3), the roll of which is before us. The justices commissioned on this occasion for the county of Somerset were Roger de Thurkilby, Gilbert de Preston, William de Sancto Edmundo, and Alan de Farnham. All the extant fines in the county for that year were levied before these justices. The first day was fixed for the quindene of Hilary at Ilchester ("Pat. Roll" No. 51, 27 Henry III., Memb. 4*d*). The writ to the sheriff is dated

4th January, and it is the only case of an eyre upon that roll. There is, however, a commission, amongst many others of the kind relating to other counties, to deliver the gaol at Ilchester dated 1 July (Memb. 1*d*). This seems remarkable, having regard to the fact that but few months had elapsed since the justices of the eyre were sitting at the place. Presumably there had been a considerable increase in the number of arrested persons, and perhaps the gaol which had long been notoriously insecure had been strengthened at last in obedience to the King's repeated instructions. The justices assigned for this duty were the Prior of Wrotham, John de Reingny, John de Aura, and Nicholas de Punsont. No roll is to be found of their proceedings. The eyre roll seems to be practically complete. All the feet of fines taken in the county, with the exception of five, can be traced in it. They were all levied between the quindene of Hilary and the octave of the Purification, the 9th February. From this, and the fact that Roger de Thurkelby was sitting at Westminster in Easter term following, we may assume that the business of the eyre was quickly despatched. I have already observed upon the attendance of the hundreds (see Introd. to Roll No. 755). There is no schedule of amercements. This is to be regretted. Perhaps it was kept on a separate roll on this occasion. The ordeal, if we except battle, has of course entirely disappeared. The roll gives but few instances of wager of battle: notably two in civil actions (Nos. 533 and 564) and one upon an appeal (No. 1223). Trial by jury or inquest was growing apace. The days when an appellee had no choice, unless he were old or maimed, but to fight or go to the ordeal, had passed away, and the time of Bracton, when he had always the choice between the duel and trial by the country, had almost come. Appeals are still quashed because the appellor does not offer battle (see *e.g.* No. 820). Nevertheless at the date of this roll an appellee could often avoid a fight. He could have an inquest upon some preliminary question, such as that the appeal was malicious (No. 929 is a good example). Professor Maitland deals with this transitional period in his Introduction to his "Gloucestershire Pleas of the Crown." Yet it is to be noted that in No. 1001 we have two appeals in which the injured parties offer battle in due form, and the appellee in each puts himself upon the country on the general issue, as if it were a matter of course to do so. The tendency seems to have been against the procedure by private appeal, and in favour of that by indictment. Often we find appeals quashed for some reason or another not always apparent, and the appellees tried by the country (see Nos. 852, 858, 1226, etc.) When appeals failed, and the King prosecuted as upon matters affecting his peace, the country manifestly could be the only tribunal. The King could not offer battle. There is no mention made of payment by an appellee to the King for an inquest, nor do I find any case in which a

defendant refused to put himself upon the country. Four sheriffs of Somerset are named: Thomas de Cyrencestr' (No. 832), who held office from 13 Henry III. to the early part of 22 Henry III., except during the second half of the seventeenth year and the first half of the eighteenth; Richard de Langeford (Nos. 814, 930, and 939), who was in office for three quarters of 22 Henry III., and for one quarter of 23 Henry III.; Herbert son of Matthew (Nos. 799, 801, 930, and 968), who held office for half of 23 Henry III., and Joel de Valletorta (Nos. 516, 771, 1252, and 1257), whose appointment as sheriff cannot be traced. He probably acted for but a trifling time. It might be suggested that Joel was only deputy sheriff, but I venture to think that the fact that he was fined by the justices for neglect of official duties is against this view. The deputy sheriff was the agent of the sheriff then as now. He was appointed by the writ of the sheriff himself, not by the crown; and although a deputy might, and indeed was, often described by the word *vicecomes* instead of *sub-vicecomes*, I think that it would have been said then, as it would be said now, in case of his default, "*respondeat superior*"—the sheriff must answer for the defaults of his officer. One appeal (No. 929) relates to a case of wounding, six years before this eyre, in 21 Henry III. A previous gaol delivery is referred to (Nos. 907 and 965), but the date of it is not given. There are but few actions of debt upon the roll—six or seven in all. This form of action was known to Glanvill. The writ was then a close copy of the writ of right for land, the difference between land and money withheld, between a specific thing from which the plaintiff was deforced, and the right to repayment of money due, not being then fully appreciated. At that time there could be trial of battle in the one case as in the other. This mode of trial disappeared early, and in this roll we find "detains" used in place of "deforces" (see No. 728), some evidence of the growing appreciation of a difference between the nature of the two actions. The writ was costly. The plaintiff had often to promise the King a quarter or a third of all that he might recover. (2 "History of English Law," pp. 203–4.) This fact may account for the paucity of such suits.

Memb. 1.

Pleas and Assizes at Yvelcestr' on the quindene of Hilary in the 27th year of the reign of King Henry son of King John, before Roger de Thurkileby and his companions.

421. Herbert de Caune, sworn,[1] Geoffry de Laworton, sworn, William Malet, sworn, Bartholomew de Eueneb'gh, sworn, four knights summoned to elect twelve to make a recognition of

[1] "Jur" is written over each of the four names.

grand assize between Thomas Treveht, querent, and Richard le Mazun and Margery his wife, tenants of one virgate of land with the appurtenances in Pyrinton, in respect of which Richard and Margery, who are the tenants, have put themselves upon the grand assize, and pray that a recognition be made whether they or Thomas have the greater right in the aforesaid land, come and elect them [the twelve], to wit, Robert de Seintebarbe, Robert de Cuntevill', Robert de Chilton, Ralph son of Bernard, William de Grindham, Hugh Fichet, Simon de Ralegh, William de Tyilli, William de Aystun, William le Bret, Ralph Fitzurse, Gilbert de Thorne. Afterwards they [the parties] are agreed, and Thomas gives 20*s.* for a licence to agree[1] by his pledges Ralph Fitzurse and John de Renny. A day is given on the morrow of the Purification. And then let the twelve come, etc.

422. The same our knights summoned to choose twelve to make a recognition of the grand assize between Ernisius de Dunheved, querent, and Geoffry de Tymerscumb', tenant, of one messuage with the appurtenances in Welles, in respect of which the same Geoffry, who is the tenant, puts himself upon the grand assize of our lord the King, and prays that a recognition be made whether he have the better right to hold that messuage of the aforesaid Ernisius or whether Ernisius should hold it in demesne, come and elect them, to wit,[2] Upon this the Burgesses of Welles come [and say] that the grand assize ought not to be made of any tenement within their town of Welles, and they proffer a charter of King John, which testifies that the town of Welles is a free borough and that the men of the same town are free burgesses, and therefore it is said by the bailiffs of the same town that they should have justice done therein (*quod teneant inde justiciam*) according to the customs of the same borough.[3] And because the county [court]

[1] See "Somerset Fines," p. 124. Thomas acknowledged the right of Margery, and for this Richard and Margery granted to Thomas a fourth part of the land to hold of them and the heirs of Margery, rendering yearly one pair of white gloves and one penny, and doing the royal service which was due in respect of that fourth part. The statement as to the fine in the above entry was written later and occupies a vacant space above the grant of the day.

[2] The names are omitted here.

[3] This confirms a note by Prof. Maitland in his edition of "Bracton's Note Book" (Vol. ii, p. 75), in which he suggests that there were towns in which the grand assize would not lie, more antiquated forms of litigation having been preserved to the townsfolk by royal charter.

considered that the grand assize should be made between them when by right it ought not to be made, therefore to judgment upon the county [court].[1] Afterwards it is shown that the messuage is not within the town of Welles. Therefore it is considered that the grand assize lies between them, and that it should proceed. Therefore the aforesaid four knights, summoned, etc., come and elect them, to wit, Jordan la Ware, William Tylli, John de Rengny, John de Chamflur', Geoffry Daneys, William de Ayeston, Geoffry de Laverton', Ralph de Sulenny, Joceus de Baiocis, Robert Malherbe, Henry de Stanwell', William Fukeram, Adam de Ayston', Robert Baggetripe, Simon de Ralegh, and Adam Gyayne[2] . . .

. . . . 1 mark for licence to agree by pledge of Bartholomew de Euilebergh.

423. The same four knights summoned to choose twelve to make recognition of grand assize between Walter Russell, querent, and Robert de Cunyz, tenant of one-half of a messuage and twenty-six acres of land with the appurtenances in Sidenham, concerning which Robert, who is tenant, has put himself upon the grand assize of our lord the King, and prays that a recognition be made whether he have the greater right in the half of the said messuage and land, as of those [lands] of which Robert his grandfather enfeoffed Custancia, his [the tenant's] mother, or the said Walter, come and elect them, to wit, Henry de Stawell, sworn, Robert de Baggetripe, sworn, Ralph son of Bernard, sworn, Gilbert le Daneys, sworn, William Fichet of Merche, sworn, Geoffry de Chauton', sworn, William de Grindlam, sworn, Thomas de Cruket (this name is struck out), Hugh Fichet, sworn, William le Bret, sworn, William de Sancto Stephano, sworn, Richard de Holne, sworn, Herbert de Kaune, sworn, who say upon their oath that one Robert Russell held the said half messuage and twenty-six acres of land, and had to wife one Isolda, by whom he had two daughters—Custancia, the first born, mother of the said Robert Cunyz, and one Margery, who died without heir of her body; and that after the death of Isolda, he had one Matilda as his concubine for thirteen years, by whom he had the aforesaid Walter, who was twelve years old before he [Robert] married Matilda. Afterwards he had by Matilda, after he had

[1] From this point the entry appears to have been written later.
[2] Something has been erased from the membrane here.

married her, one Custancia, who, after the death of her father, had half his inheritance, and the aforesaid Robert [Cunyz] the other half. Afterwards they are agreed, and Robert de Cunyz gives 1 mark for a licence to make a concord by pledge of Walter. And it is agreed that the said Robert should acknowledge the half messuage and twenty-six acres of land with the appurtenances to be the right of Walter, as that which descended to him by right of inheritance from Robert father of Walter.[1] A day is given on the morrow of the Purification. And then let the twelve come, etc.

424. The same four knights summoned to choose twelve to make recognition of grand assize between John son of Michael, querent, and Walter de Marisco, tenant of one virgate of land with the appurtenances in Cherleton, touching which the same Walter, who is the tenant, has put himself upon the grand assize of our lord the King, and prays that a recognition may be made as to which of them has the greater right in the land, come and choose them, to wit, Walter de Marisco (*struck out*), William de Paris, sworn, Adam Gyane, sworn, Lanval' Pancevot, sworn, William de Godmaneston', William Haket, Robert fitz Payne, sworn, Ralph Hosk, sworn, Robert de Bosco, sworn, Robert Malherbe, Robert de Wateleghe, sworn, Phararamun de Bollonne, sworn, John de Boneville, sworn, Herbert de Caune, sworn, Bartholomew de Eueneberg', sworn, and Geoffry de Laworton', sworn,[2] who say upon their oath that the aforesaid Walter, who is the tenant, has a greater right in the land than the aforesaid John son of Michael. Therefore it is considered that Walter should hold in peace, and his heirs after him, quit of the aforesaid John and his heirs for ever. And John is in mercy by his pledges Nicholas de Divisis and William Marescall' of Berghes. And the Earl of Salisbury, by his attorney, puts forward his claim to the aforesaid John, whom he alleges to be his villein. And Henry de Mara likewise. A day is given on the morrow of the Purification, and then let the twelve come, etc.

425. William Maubaunc, sworn, John de Chamflur, sworn,

[1] In 23 Hen. III. Walter Russel recovered against Constance, daughter of Robert Russell, a moiety of a messuage and thirteen acres of land in Sydenham as his right. See "Somerset Fines," pp. 106–7.

[2] The names of the three who are not stated to have been sworn have little crosses above them.

William de Tylly, sworn, and Robert de Bagetrop, sworn, four knights summoned to choose twelve to make a recognition of grand assize between Robert Wolbold, querent, and William the Little (*le Petit*), tenant of half a virgate of land with the appurtenances in Leghton', touching which the same William, who is the tenant, has put himself upon the grand assize of our lord the King, and prays that a recognition may be made as to which of them has the greater right in the land, come and choose them, to wit, Henry de Karevil', John de Aure, Robert de Watelehe, Alexander de Munford, Roger Cyrel, William son of Adam, Bartholomew de Crileberhe, Geoffry de Laurtune, Michael de Wantune, William Branche, Adam Gyane, Robert de Bosco of Kadebiri, Ralph de Sulni,[1] Henry de Waddune, Joceus de Baiocis, Thomas de Mortune. Afterwards they [the parties] have come to an agreement by leave: And Robert Wolbold gives 1 mark for a licence to agree, by his pledges Adam de Dunheved and Ernisius de Dunheved, and William the Little gives 1 mark for the like. His pledges [are] Robert Wolbold and Adam de Dunheved.[2] A day is given on the morrow of the Purification, and then let the twelve come, etc.

426. Joan, the wife of William de Bykel, [and] Elena, the wife of Henry de Alneto, put in their place William de Horweye against Richard de Staff' and Sarra his wife upon a plea of assize of mort d'ancestor.

427. Emma, formerly the wife of Geoffry de la Rode, puts in her place Peter de Thukkeswell against Henry . . . . . and others, shown in the writ, upon a plea of dower.

428. Lucy de Monteacuto puts in her place Ralph de Ferr' against William le Deveneys on a plea of land, and against Katharine de Monteacuto upon a plea of warranty of charter, etc.

429. William Branche puts in his place Geoffry de Wynterburn against Amabel de Cherelton on a plea of custody, and against Master John Bacun on a plea of suit.

430. The Prior of the Hospital of St. John of Jerusalem in England puts in his place brother Richard de Morton' or

[1] Soligny.

[2] The fine was taken at Ilchester on the morrow of the Purification, 27 Hen. III. See "Somerset Fines," p. 116, No. 66.

Thomas de Rothele against Henry de Herle on a plea of advowson, upon which the grand assize, etc.

Memb. 1*d.*

431. The assize comes to recognise whether Robert de Wotedon, Richard Samps', and William son of Robert unjustly, etc., disseised John the parson of Stoke of his free tenement in Wheteden after the first crossing, etc.,[1] and whereon it is complained that he disseised him [John] of one ferling of land with the appurtenances. And Richard Samps' and William son of Robert have not come. Therefore let the assize proceed against them in default, and they were attached by Richard de Whadden' and William the Beadle (*bedellum*) of Cudecumbe.[2] Therefore they are in mercy. And Robert de Woteden' comes and alleges nothing wherefor the assize should remain. The jurors say that the aforesaid Robert and others did not disseise the aforesaid John of the aforesaid land, because he himself is seised thereof. Therefore it is considered that the aforesaid Robert and the others [may go] without a day, and John is in mercy by his pledge William de Pyrhou. He fined for 1 mark.

432. The assize comes to recognise whether Robert de Cheleworth, the father of Henry, was seised in his demesne, etc., of seven acres of land with the appurtenances in Cheleworth.[3] And whether after the last, etc., which land William Burton holds, who comes and alleges nothing wherefor the assize should remain. And Thomas de Welles and John de Stanton, two of the recognitors, do not come. Therefore they are in mercy. The jurors say that the aforesaid Robert, the father of Henry, was not seised of the aforesaid seven acres of land with the appurtenances, as the writ says. Therefore it is considered that William [may go] without a day, and Henry is in mercy for his false claim by his pledge John de Santon'.

433. The assize comes to recognise whether Christina de Clayhengre, sister of Alice, wife of Baldwin Lengleis, was seised in her demesne, etc., of one ferling of land with the appurtenances in Clayhengre on the day when, etc.[4] And whether, etc.,[5]

[1] *i.e.*, the first crossing of King Hen. III. into Brittany.
[2] Cutcombe.
[3] Chelwood.
[4] The day of her death.
[5] Since the period of limitation. See No. 454.

Which land the Prior of Staverden' holds, who comes and fully concedes the assize. Therefore let the assize proceed. The jurors say that the aforesaid Christina did not die seised of the aforesaid land, because six weeks before her death she gave that land to the aforesaid Prior, so that the Prior was seised thereof. Therefore it is considered that the Prior [may go] without a day, and Baldwin and Alice are in mercy for their false claim. Let them be in custody.

434. Henry son of Adam, who brought an assize of mort d'ancestor against Gilbert Gymel touching a tenement, to wit, one virgate of land, two acres of land, and two messuages with the appurtenances in Wytton' and Glastingebyr', does not proceed. Therefore he and his pledges to prosecute are in mercy, namely, Robert son of Thomas de Drayton and Thomas Martell.[1]

435. Stephen Whytman, who brought an assize of mort d'ancestor against Thomas Chep touching two messuages with the appurtenances in Cruk',[2] comes and withdraws. Therefore he and his pledges to prosecute are in mercy, namely, Hamo the tailor (*le parmenter*) and John de Mandevill'. Stephen's pledge for his amercement: Thomas Chapman.

436. The assize comes to recognise whether Nicholas le Waleys, father of Walter le Waleys, was seised in his demesne, etc., of two parts of half a virgate of land with the appurtenances in Chyrchehull on the day, etc. And whether, etc. Which land William de Welleslegh' holds, who comes and vouches to warranty Agatha de Mesy. Let him have her [present] on the morrow of the Purification of the Blessed Mary by the help of the court. On that day the aforesaid Agatha does not come. Therefore it is considered that the assize should proceed against her in default. And Roger de Cherleton, one of the recognitors, does not come. Therefore he is in mercy. The jurors say that the aforesaid Nicholas died seised of the aforesaid land with the appurtenances, and after the time,[3] etc., and that the aforesaid Walter is his next heir. Therefore it is considered that Walter should recover his seisin, and Agatha is in mercy. And let William recover against her what he ought to have. Afterwards the aforesaid Agatha comes, and William proffers a charter of Agatha herself, which testifies that she gave [the land] to the aforesaid William. Afterwards William comes, and says that he

[1] Over the latter name is written "*nihil*."
[2] Crewkerne.
[3] *i.e.*, of limitation.

does not wish to proceed against her. Therefore Agatha [may go] without a day, and William is in mercy. [The amercement] is pardoned by the justices.

437. Richard Keling, who brought an assize of mort d'ancestor against the Abbot of Adthelingenye[1] touching three acres of land and one acre and a half of meadow with the appurtenances in Hammes, does not prosecute. Therefore he and his pledges to prosecute, namely, Richard de Henyiok' and William Hakehel, are in mercy.

438. The assize comes to recognise whether Richard de Cap'lla father of Thopacia, wife of William Tropinel, and Joan, wife of Adam Blund (*Blundus*), was seised in his demesne, etc., of eight acres of land and half an acre of meadow with the appurtenances in Pulton' on the day, etc., and whether, etc., which land and which meadow Ro . . . de Cap'lla holds, who comes and vouches to warranty Peter de Cap'lla, who is present, and warrants him and alleges nothing wherefor the assize should remain. And Aubert de Lanyiete, William le Flemeng', and Robert le Franc of Prestel, three of the recognitors, are in mercy because they have not come, etc.[2] The jurors say that the aforesaid Richard de Cap'lla died seised of the aforesaid eight acres of land and half an acre of meadow with the appurtenances as of fee, and that he died after the time, etc., and that the aforesaid Topacia and Joan are his next heirs. Therefore it is considered that they, Topacia and Joan, should recover their seisin, and Peter is in mercy by his pledges, Robert de Cap'lla and Nicholas de Litleton. And let an exchange be made to Robert de Cap'lla to the value, etc.

439. Joan wife of William de Bonevill' puts in her place Stephen de Bonevill' against the Prior of St. James of Bristol And against John de Burgo and Hawise his wife, on a plea of land and on a plea of customs and service, etc.

440. Lucy de Monte Acuto puts in her place Ralph de Ferariis against Alice, who was the wife of John Brane, on a plea of dower, etc.

441. Our lord the King notified the justices by his writ that Robert de Marisco had attorned before him in his place Jordan de Marisco to gain or to lose in a suit summoned before our lord the King by his writ of right between the aforesaid Robert,

[1] Athelney.

[2] The "etc." means that they were duly summoned.

querent, and Walter le Page, tenant of one virgate and a quarter of land with the appurtenances in Bobinton, etc.[1]

442. Our lord the King notified by his writ that he had granted and confirmed to the master and brethren of the Knights Templars in England the liberties and immunities (*libertates et quietancias*) previously [granted] to them by his predecessors, kings of England, to which he had made additions, as more plainly appears by his charters and confirmations so made to them. And therefore he commanded the justices that his aforesaid charters and confirmations be read in public before them, and that they should cause the liberties and immunities granted to them [the Templars] by him and his predecessors to be strictly observed according to the tenor of his same charters and confirmations.[2]

443. The Abbot of Cyrnecestr' puts in his place brother Walter, his lay-brother (*conversum suum*), or Humphrey de la Barre [against] Richard le Bygod on a plea of pasture, etc., and against Reginald Byll on a plea of land *utrum*, etc.

444. Beatrice wife of Andrew de Stratton' puts in her place Andrew her husband against Henry de Holekumb and Robert de Percy, on a plea of covenant and naifty, etc.[3]

445. Joan wife of William Braunche puts in her place Thomas Trevet against Amabel, formerly the wife of Robert Michel, on a plea of custody, etc., and against John Wicun on a plea of customs and service, etc.

446. Aubrey[4] de Halingele puts in his place Richard Trevet against Richard Telinge on a plea of mort d'ancestor, etc.

447. Emma de Blebir' puts in her place Roger de Blebir' against Roger Utheinge on a plea of mort d'ancestor, etc.

Memb. 2.

448. The assize comes to recognise whether Thomas Gurdemere, Richard Coppe, Adam de Haselbere, Simon de Ham-

[1] The suit was settled by a fine, levied at Westminster, in the quindene of Easter. See "Somerset Fines," p. 112.

[2] A similar order to the sheriff of Hereford in 11 Hen. III. is given in "Rot. Claus.," Vol. ii, p. 171. He was directed to read the grants in his county court, and to see that the liberties of the Templars in his bailliwick were observed.

[3] See "Somerset Fines," p. 121. Andrew and his wife acknowledged Robert de Percy to be a free man for himself and his heirs, with all his and their households, and quit-claimed for themselves all manner of neifty and servitude. See No. 535.

[4] I am not sure of this name. Possibly it may be the Abbot of Halingele, a slip for the Prior of that place.

brigg', and Robert Budde unjustly, etc., disseised William Doylly of his free tenement in Hambrigg'[1] since the first crossing, etc., and upon which it is complained that they disseised him of seven acres of land with the appurtenances. And Thomas Gurdemer, Simon de Hambrig', and Robert Budde do not come. Therefore let the assize proceed against them by default. They were not attached, and they were found. Therefore Richard Coppe the bailiff is in mercy.[2] And Richard Coppe and Adam de Haselber' come, and allege nothing wherefor the assize should remain. The jurors say that the aforesaid William Doylli and one Ralph his servant demised that land to the aforesaid Thomas to hold to farm for six years, and he was seised thereof for two years, so that in the third year the aforesaid William came and wished to take back the land to himself, and Thomas would not permit him, and they did not otherwise disseise him [William]. Wherefore they say that they did not disseise him. Therefore it is considered that Thomas and the others [may go] without a day, and William is in mercy by his pledges for his false claim.

449. The assize comes to recognise whether William le Frankelain unjustly, etc., obstructed a certain road in Huverfakeford' to the injury of the free tenement of Luke de Luneschaft, in Netherfakeford' since the first crossing, etc. And William comes and alleges nothing against the assize, but he says that he obstructed no road to the injury, etc., and he fully concedes [that] the assize [may proceed]. The jurors say that the aforesaid William obstructed no road to the injury, etc., and therefore it is considered that William [may go] without a day, and Luke is in mercy for his false claim.

450. The same Luke, who brought an assize of novel disseisin against John de Reungny and others in the writ shown touching a tenement in Fakeford', comes and withdraws himself. Therefore he and his pledges to prosecute, namely, John le Franceys of Fakeford' and John le Frankelan of the same, are in mercy. Luke's pledges for the amercement are Robert de Wheteden' and Geoffry de Wyly.

451. Roger Whytheng', who brought an assize of novel disseisin against Thomas de Berton' and others in the writ shown concerning the throwing down of a certain dyke in Katikote[3] to

[1] Hambridge.
[2] Because he did not take steps to have them attached, when he could not say that he could not find them.
[3] Catcott in Moorlinch.

the injury of his free tenement in the same vill, comes and withdraws himself. Therefore he and his pledge to prosecute, namely, Reginald le Gentil, is in mercy. Roger's pledges for the amercement [are] Roger Bilhok of Caldekote and Walter Lost of the same.

452. The assize comes to recognise whether Reginald de Moyun, Walter de Badehull', and Hamelin Bun disseised William de Pyrho of his free tenement in Duvreye since the first, etc. And Reginald de Moyun does not come, and he was attached by Philip de la Marshe and Thomas de la Marshe. Therefore they are in mercy. And Hamelin was attached by Richard le Bedel of Cudinton' and Walter the carter (*Carrectarius*) of the same. And Walter was attached by Walter the reeve of Cudinton' and Robert Russel of the same. Therefore they are in mercy. Afterwards William de Pirho comes and withdraws himself. Therefore he and his pledges to prosecute, namely, William Rusel of Stanton' and Adam de Liddon' in Brunelonde, are in mercy. William's pledges for his amercement are: Richard son of Matthew de Lince and Richard son of Richard de Cludesham.

453. The assize comes to recognise whether Stephen le Punter unjustly, etc., disseised William de Oyly' of his common of pasture in Hambrugg',[1] which is appurtenant to his free tenement in the same vill, since the first crossing, etc. And Stephen does not come, and he was not attached because he was not found. Therefore let the assize proceed against him by default. And Alan de Furnyaus, one of the recognitors, comes and says that he made no view of that pasture nor was he summoned. And it is proved by the sheriff and the bailiffs that he was summoned. Therefore Alan is in mercy. The jurors say that the aforesaid Stephen disseised the aforesaid William Doyli of the aforesaid common of pasture, as the writ alleges. Therefore it is considered that William should recover his seisin of the said common by view of the recognitors, and Stephen is in mercy. Damages, *6d.*

454. The assize comes to recognise whether Eadin' de Gavelbrug', father of Ralph, was seised in his demesne of half a virgate of land and of half of one mill, with the appurtenances in Kingesbyr', on the day, etc. And whether he died since the last return our lord King John from Ireland into England.

[1] Hambridge.

And whether, etc., which land and mill John Love and Isabella his wife hold, who come and allege nothing wherefor the assize should remain. And William de Clavill', one of the recognitors, does not come. Therefore he is in mercy. The jurors say that the aforesaid Eadin', father of Ralph, died seised of the aforesaid half virgate of land and half of the mill as of fee, and that the said Ralph is his next heir, and that the aforesaid Edin' died since the time aforesaid. Therefore it is considered that Ralph should recover his seisin, and John and Isabella are in mercy by their pledges, John of Lambrok' and John Eustach' of the same.

455. The assize comes to recognise whether Richard le Frankelain, father of Richard, was seised in his demesne, etc., of one ferling of land, with the appurtenances in Aldwell', on the day, etc. And whether, etc., which land Agnes de Munketon' holds, who comes and fully confesses that Richard, the father of him, Richard, died seised of the aforesaid land as of fee, and that he, Richard, is his next heir, and that she claims nothing in that land except custody thereof, because the aforesaid Richard the father, touching whose death the assize is arraigned, held of her by knight service. Therefore it is considered that Richard should take nothing by that assize and should be in mercy for his false claim by his pledges, Hamo of the Garden (*de Gardino*) and Jollin' of the Mill.[1]

456. The assize comes to recognise whether Alwina de Perton', kinswoman (*amica*[2]) of Isabella, wife of Nicholas de Vrevill', was seised in her demesne as of fee of three ferlings of land, with the appurtenances in Perton', on the day, etc. And whether, etc., whereof Henry Lude and Justina his wife hold two parts and Odo de Dyril' and Risidina his wife hold the third part. They come, and Odo and Risidina, on their part, vouch to warranty the aforesaid Henry and Justina, who are present, and warrant them, and say that the assize ought not to be made because the aforesaid Isabella, who arraigns the assize,

[1] Richard the son, who claims, must have been under age. Agnes substantiates her right to hold the land during his infancy. An infant could sue, and he sued in his proper person, for he could not appoint an attorney. No doubt a friend often acted for him.

[2] Equivalent to *parens*, according to Ducange Gloss. But the word may be read as "*amita*," the letters *c* and *t* being often indistinguishable in this roll. For "*amita*" read "*patris soror*," according to Lyttelton's Latin Dict. See also No. 596 *post*, where the word clearly has such meaning.

had a certain firstborn sister, Felicia by name, who had two daughters, Margery and Iolenta, who have the same right in the land as Isabella herself. And Isabella and Nicholas are not able to deny this. Therefore it is considered that Henry and Justina [may go] without a day, and Nicholas and Isabella are in mercy for their false claim. Let them be in custody.

457. Robert de la Lude and Avice his wife, William de Bonevill' and Alice his wife, were summoned to answer the Prior of St. James of Bristoll' on a plea that they should render to him 60*s.* which they are in arrear to the prior in respect of an annual rent of 20*s.*, and wherein it is claimed that by such detention he is injured and has incurred damage to the value of £6, and he produces suit, etc. And Robert and the others come and say that when the aforesaid prior by his writ seeks 20*s.* and in his pleading claims 60*s.*, and so varies in his pleading from his writ, it seems they ought not to answer him. And because it is proved that he so varies it is considered that Robert and the others [may go] without a day, and the prior is in mercy by his pledge. Let him be in custody.[1]

458. The assize comes to recognise whether Peter de Trukewell' unjustly, etc., disseised Hugh de la Pesse of his free tenement in Pesse since the first crossing, etc. And it is complained that he disseised him [Hugh] of a certain dyke which was his free court (*solium*[2]), and that the same Peter appropriated to himself that dyke. And Peter comes and alleges nothing wherefor the assize should remain, and he fully concedes [that] the assize [may proceed]. The jurors say that the aforesaid Peter disseised the aforesaid Hugh of the said dyke as the writ says, because, they say, that the whole of the dyke belongs to Hugh. Therefore it is considered that Hugh should recover his seisin, and Peter is in mercy. Let him be in custody. Pledges for Peter's amercement: Richard de Vynar' of Haretrowe and Gilbert de la Landsare. Damages, 2*s.*

459. Ralph son of Ralph, who brought an assize of mort d'ancestor against Richard son of Ralph touching half a virgate of land with the appurtenances, except ten acres in Heleworthy,[3] comes and withdraws himself. Therefore he and his pledges to prosecute, namely, Warin de Helleworthy and William de Sterne-

[1] "c^{9}" in the margin.
[2] *area.* See Ducange Gloss., "*solio seu curtile*," etc.
[3] Elworthy.

waye, are in mercy. Ralph's pledge for his amercement: Roger de la Pole.

460. Cecily daughter of Walter, who brought a writ of novel disseisin touching a free tenement in Edinton' against Walter son of Geoffry, and others, in the writ shown, comes and withdraws herself. Therefore she and her pledges to prosecute, namely, Henry de Sterta and Richard Crul, are in mercy. Cecily's pledges for the amercement: Henry de Chamflur and Adam de Lond'.

461. The Prior of Goldklive puts in his place Hugh de Crandon' against William de Maris on a plea of assize of mort d'ancestor, etc.

462. The Prior of Bath puts in his place Henry de Chaverton against Walter Whythtlak and Christiana his wife on a plea of land, etc. And against John de Champflur on a plea ——

463. Agnes wife of John de Aura puts in her place Gilbert le Daneys against E . . . Cherl . . . on a plea . . .[1]

464. Ingeretta, who was the wife of William de Rengny, puts in her place Gervase de la Thorre against R . . . chaplain of Carleton on a plea of land.[2]

465. Ralph Russel puts in his place Henry son of Walter against William de Capello and Isabella his mother on a plea of warranty of charter, etc.

466. Juliana de Preston' puts in her place Gregory de Stokes against Nicholas de Bosco and Agnes his wife and William son of Alice on a plea of land, etc.

467. William de la Hull is in mercy for his foolish speech (*stultiloquio*) and untruth.[3]

Memb. 2d.

468. The assize comes to recognise whether Henry de la Mare, Ralph de Angers, and Gilbert Grafenloyl unjustly, etc., disseised Nicholas [son of?] Michael of his common of pasture in Cherleton', which is appurtenant to his free tenement in the same vill, since the first crossing, etc., whereon it is complained that when he [Nicholas] ought by right of inheritance to have a

[1] The roll is illegible in places here, but it would appear from a fine set out in "Somerset Fines," p. 117, that the claimant was Eva de Churleghe.

[2] The whole of this entry is struck out and a marginal note "*valet*" (*sic*) is written.

[3] See No. 320, *ante*. *Quære*, should it read "foolish suit" instead of "foolish speech"?

fifth part of the whole of the aforesaid pasture the said Henry and the others deforce him of that pasture, and when he ought to have sixteen oxen in the pasture the said Henry and the others do not allow him, etc. And Henry and Gilbert do not come; but Ralph de Angers, Henry's bailiff, comes and answers for Henry and Gilbert, and says that the assize ought not to be held, because, he says, that wherever Henry and the others use that pasture the aforesaid Nicholas may have common, and he is in seisin thereof. Moreover, they say that Amabel, the mother of Nicholas, holds the aforesaid fifth part of the said pasture as her dower, and is in seisin thereof. And Nicholas cannot deny this. Therefore it is considered that Henry and the others [may go] without a day, and Nicholas is in mercy by his pledges: Gilbert [son of?] Michael and Robert de Blakford'.

469. The assize comes to recognise whether Henry de Gaunt unjustly, etc., disseised William de Polet of his common of pasture in Hammes which appertains to his free tenement in Polet,[1] since the first crossing, etc. And it is complained that when each of them ought to have common with the other in his lands in the aforesaid vill, after the carrying off of the crops, the same Henry does not allow, etc. And Henry comes and says that the assize ought not to be held, because the truth is that William never had common in that pasture, unless at the time when he was bailiff of the said Henry, nor had he any land for which he ought to have common, beyond two acres of land which his ancestors gave to William, and so much common as appertains to such land he fully concedes to him [William], and that otherwise he has not disseised him, and he puts himself upon the assize. The jurors say that in truth the land of Henry in Hammes and the land of William in Polet are in different baronies. They say that the ancestors of Henry and William were always accustomed to have common in the said lands, to wit, each of them in the land of the other from the feast of Michaelmas to the Purification of the Blessed Mary, and they (*sic*) likewise until Henry disseised him. Wherefore they positively say that the aforesaid Henry unjustly disseised William, as the writ says. Therefore it is considered that William should recover his seisin in the aforesaid pasture, and Henry is in mercy. Damages, 12*d*.

[1] Pawlet.

470. The assize comes to recognise whether Gilbert le Norreys, uncle of Alice, wife of Philip Hubert, and of Cecily, wife of William Hereward, was seised in his demesne, etc., of three ferlings of land with the appurtenances in Tylterne on the day on which, etc., and whether, etc., of which William de Hewenesbar' holds two ferlings and David de Tylterne one ferling. And David does not come, but William de Heweneb'gh comes and voluntarily (*gratis*) warrants the said David, and answers for the whole, and says that the assize ought not to be held because Gilbert, upon whose death the assize is arraigned, died before the time shown in the writ, to wit, before the last return of King John from Ireland into England,[1] and thereon he puts himself upon the assize. And William Fossard', one of the jurors, is in mercy for his transgression. The jurors say that the aforesaid Gilbert le Norreis died seised of the aforesaid three ferlings of land with the appurtenances, and that he died since the time, and that the aforesaid Alice and Cecily are his next heirs. Therefore it is considered that Alice and Cecily should recover their seisin, and William de Hewenbar' is in mercy by his pledges: John de Cinnok' and Geoffry de Heweneber.' And let an exchange to the value of one ferling of land be made to the aforesaid David, etc.

471. Margery[2] daughter of John de Worhes, who brought an assize of mort d'ancestor against John de la Cumb' touching four acres of land with the appurtenances in Seleworh',[3] does not prosecute. Therefore she and her pledges to prosecute, namely, Adam de Liddon' and Richard de Fonte, are in mercy.

472. The assize comes to recognise whether the Prior of Bokland', Jocelin de Halse, Reginald de Monte, Hugh Griffin, Robert in Paver', Elyas Blund (*blundus*), Adam de Middeld', William de Middeldon', and Ralph de Middeld' unjustly, etc., disseised Nicholaha de Champflur'[4] of her free tenement in Hewyse, since the first crossing, etc., wherein it is complained that they disseised her of seven acres and a half. And the Prior comes and answers as bailiff for all of the others, and says that they did not disseise her of any free tenement, and he fully concedes [that] the assize [may be made]. And

[1] That is the period of limitation of actions of this kind. It will be noticed that this plea failed, and William had to make good one ferling to David.

[2] Over this name is written "*nichil*."

[3] Selworthy.

[4] See No. 380, *ante*.

Nicholas de Meryet, Robert le Bel, Stephen de Welinton', Richard de Albo Monasterio',[1] John Selvayn, William de Lumeny, Daniel de Esse, jurors, are in mercy because they do not come. And the assize is put in respite until the morrow of the Purification of the Blessed Mary for the default of the recognitors. And the sheriff is not notified that in the meantime, etc. The jurors say[2] Afterwards the aforesaid Nichola comes and withdraws herself, as appears elsewhere in the roll.[3]

473. Christiana daughter of Robert, who brought an assize of mort d'ancestor against William Haket concerning sixteen acres of land and one messuage, with the appurtenances in Camel, does not proceed. Therefore she and her pledges to prosecute, namely, Her . . . Pamer and Reginald de Cumbe, are in mercy. And because Henry the clerk and William Barat, the bailiff of the hundred of Camel, testify that Christiana is dead, and the jurors of the assize testify that she is alive, and that they [the parties] have come to an agreement, therefore they [Henry and William] are in mercy. Pledges of William Barat: Robert de la Putte and Geoffry de Wyleghe.[4]

474. The assize comes to recognise whether Richard de Middelton' and Gunnilda his wife unjustly, etc., disseised Juliana daughter of William of her free tenement in Clive, since the first crossing, etc., and concerning which it is complained that he disseised her of one-third part of two ferlings of land. And Richard and Gunnilda come and allege nothing wherefor the assize should remain. Therefore let the assize proceed. And Henry de Craudon' and William de Craudon, two recognitors, are in mercy because they do not come. The jurors say that the aforesaid Richard and Gunnilda disseised the aforesaid Juliana of the said third part of two ferlings of land, as the writ says. Therefore it is considered that she should recover her seisin by view of the jury, and Richard is in mercy. Let him be in custody. Damages, $\frac{1}{2}$ mark.

475. William de Hereford, who brought an assize of mort d'ancestor against William son of Walter de Polet touching a tenement in Polet,[5] comes and withdraws himself. Therefore

[1] Whitchurch.
[2] Here the clerk breaks off, leaving space for the finding at a future date.
[3] See No. 539.
[4] In the margin is the word "gayol," struck out.
[5] Pawlet.

he and his pledges to prosecute, namely, Stephen Teysun and Elyas Waukelin, are in mercy. William's pledges for his amercement: Philip de Sidenham and Robert Attegrave.

476. Thomas son of Walter, who brought an assize of mort d'ancestor against Walter de la Ford touching ten acres of land and one messuage with the appurtenances in Clopton', comes and withdraws himself. Therefore he and his pledges to prosecute, namely, Godfrey de Winkauelton and William Legegod', are in mercy, etc.

477. William son of John Young (*juvenis*) of Axebrig' gives ½ mark for a licence to agree with Henry son of David concerning a plea of land by pledge of Henry son of David of Axebrig'.[1]

478. Henry[2] Malherbe, who brought a writ of entry against Nicholas de Cuntevill' concerning half a virgate of land with the appurtenances in Wademore, does not proceed. Therefore he and his pledges to prosecute, namely, Colin de Litleton and William de Hardinton', are in mercy.

479. Thomas de Cirnecestr' the younger puts in his place John Bate against Robert son of John and Robert son of Gode . . . [Godfrey ?] upon a plea of land, etc.

480. Alice wife of Martin de Legh puts in her place Martin her husband against Ralph Hose and Eva his wife upon a plea of warranty of charter, etc.

481. Agnes wife of Roger de Kalemondeston' puts in her place Roger her husband against John de Cappen on a plea of assize in which complaining, etc.

482. Amabel, formerly the wife of Robert Michel, puts in her place Gilbert her son against William Branche and Joan his wife on a plea of custody, etc. And against Nicholas son of Humphrey and Reginald his brother on a plea of assize of mort d'ancestor. And against Richard de Cumb' on a plea of land, etc.

Memb. 3.

483. Agnes de Baialton, who brought a writ of novel disseisin against William de Oreweye concerning a tenement in Badialton, does not proceed. Therefore she and her pledges to prosecute

[1] See "Somerset Fines," p. 120, where William is called "le Jovene."
[2] Over this name is written "*nichil.*"

are in mercy, to wit, Henry de Hedenbir', and the sheriff must answer for the other [pledge].

484. The Abbot of Cyrnecestr', who brought a writ against Reginald Byle whether one messuage with the appurtenances in Meleburn' be in free-alms, etc., does not proceed. Therefore he and his pledges to prosecute, namely, Robert de Draycote and Ralph Dubel, are in mercy, etc.

485. Matilda, formerly the wife of Ralph son of Robert, seeks against John de Reiny a third part of twenty acres of land, and of twenty acres of wood and marsh, and of one water-mill, and of four ferlings of land with the appurtenances in Radeflet as her dower, etc. And John comes and vouches to warranty the Prior of Berlyz,[1] who is present, and warrants him, and vouches to warranty Hugh son of Robert. Let him [the Prior] have him [Hugh] on Wednesday next after the Purification of the Blessed Mary by help of the court. The sheriff is notified, etc.[2]

486. The same seeks against Henry de Fonte a third part of one ferling of land with the appurtenances in Haleswell'[3] as her dower, etc. And Henry comes and vouches to warranty the aforesaid Hugh. Let him [Henry] have him at the same time by help of the court, etc. The sheriff is notified. And be it known that the writ should remain with the sheriff. Afterwards Henry comes and gives up to Matilda one-third part of fifteen acres of land with the appurtenances as her dower, and Matilda holds herself content. And Henry is in mercy by pledge, because he did not give it up before. Afterwards they are agreed by licence. And the Prior gives ½ mark for a licence to agree by pledge.[4]

487. The assize comes to recognise whether Henry de Gant unjustly, etc., disseised Jordan de Alkesy of his common of pasture in Hammes, which is appurtenant to his free tenement in Alkesye, since the first crossing, etc. And Henry comes and says that the assize ought not to be made, because he says that he claims nothing in that pasture except what Maurice de Gant had there, and the Bishop of Bath, etc., [and] our lord the King whilst it was in his hand, and thereon he puts himself upon the

[1] Barlynch.
[2] This suit was settled by a fine. See "Somerset Fines," pp. 119–20.
[3] Halswell.
[4] The latter part of this entry, relating to the fine, would appear to be misplaced. ought to have been written after the preceding entry.

assize. The jurors say that the aforesaid Henry disseised the aforesaid Jordan of the said common, as the writ says. Therefore it is considered that Jordan should recover his seisin of the said pasture by view of the recognitors. And Henry is in mercy. Afterwards the said Henry de Gant comes and gives 5 marks to have [a jury of] twenty-four to convict the twelve, by the pledges of William Orewell and Richard de Draykote, etc.[1] Damages, 12*d.*

488. John son of Agnes de la Radeklive of the suburb of Bristoll', who brought an assize of mort d'ancestor against John le Mire and Matilda his wife and Thomas de Tymbberwe concerning a rent of 40*s.* with the appurtenances in the suburb of Bristoll', does not proceed. Therefore he and his pledges to prosecute, namely, Walter brother of William de Draykote and Henry de Draykot', are in mercy.

489. Robert de Chandos, essoniator of the Abbot of Keynsham, offers himself on the fourth day against William de Holecumbe on a plea of half the manor of Holecumb' with the appurtenances, except the advowson of the chapel of Holecumbe, seven ferlings and forty-one acres of land, four messuages, 3*s.* of rent, three acres of wood, and two mills, etc. And William does not come, and he was sought, etc. Therefore it is considered that the Abbot [may go] without a day, and William and his pledges to prosecute, namely, John de la Clive and Sampson[2] de Norton, are in mercy.

490. Nicholas de Bosco and Agnes his wife and William son of Alice seek against Roger Thorel a moiety of one moiety of half a virgate of land and a moiety of a third part of half a virgate of land with the appurtenances in Eststrepeston'. And against William de Langebrok' a moiety of two and a half

[1] A verdict might be reversed by the process of attaint. The first twelve jurors are accused before a jury of twenty-four. If convicted of a false oath they are severely punished. If their oath was but "fatuous" some mercy is shown them, but in either case the verdict of the twenty-four is substituted for that of the twelve. In Bracton's day the procedure was, as a general rule, confined to cases in which, as here, the recognitors of a petty assize had answered the question specified in the original writ; for if both litigants had put themselves upon a verdict, neither could dispute it. But the rule that a *jurata* could not be attainted was altered in 1275 by the Stat. of Westminster 1, c. 38. See "Hist. of Engl. Law," Vol. ii, pp. 540, 621, and 661. By this statute the King might grant attaints on inquests touching freeholds whenever it should seem to him to be necessary. Henry took nothing by his attempt. For the proceedings on the attaint, see No. 627.

[2] Over the name is written "*nichil.*"

virgates of land and of a third part of half a virgate of land with the appurtenances in the same vill. And against Juliana, who was the wife of Roger Thorel, a moiety of half a virgate and of one-third part of half a virgate of land with the appurtenances in the same vill, of which Roesia, formerly the wife of Roger Thorel, mother of the aforesaid Agnes and aunt (*amica*[1]) of the aforesaid William, whose heirs they are, was seised in her demesne as of fee on the day she died. Afterwards comes William son of Alice, and says that he does not wish to sue, And Roger Thorel comes, and is under age, and says that Roger his father died seised of the aforesaid land which is sought against him, as of fee, and of the gift of John Mariscall', and he proffers the charter of feoffment of the aforesaid John, which testifies this. Therefore let [Nicholas] wait as against him [Roger] until he is of full age.[2] And William de Langebrok' comes; and as to the whole of the land sought against him, except of the half virgate, he vouches to warranty the aforesaid Roger Thorel, who is under age. Therefore let it wait until he attains full age. And touching the half virgate of land, he vouches to warranty Richard son of William de Wyk'. Let him have him on Wednesday next after the Purification of the Blessed Mary by help of the court. The sheriff is notified, etc. And Juliana vouches to warranty the aforesaid Roger Thorel who is under age. Therefore let it wait until he attain full age, etc. And Agnes puts in her place Nicholas her husband. On the day aforesaid the aforesaid Richard son of William comes and warrants and vouches to warranty the aforesaid Roger Thorel who is under age. Therefore, as before, let it wait until his full age.[3]

491. Nicholas[4] son of Robert, who brought a writ of warranty

[1] I think that this word may perhaps be read as *amita*. See *ante* No. 456: *Quære*, Was Alice sister to Roesia?

[2] An infant defendant usually appeared with his guardian, who often had an interest. Sometimes the infant had merely a guardian *ad litem*. Sometimes, as in this case, he appeared without any guardian, although most probably he had some legal adviser. The infancy of an heir of a person who died seised as of fee, had the effect of suspending all proceedings against him in a proprietary action, even in a case where the plaintiff might have recovered against the ancestor, until he attained his majority ("Hist. of Engl. Law," Vol. ii. pp. 440–441). Here Roger's plea of infancy suspended the proceedings against him; and the other defendants, by vouching him to warrant them, also succeeded for the same reason in delaying the plaintiffs.

[3] In the margin is the word "*Etas*."

[4] Over this name is written "*alibi*."

of charter against Richard de Mucengros concerning one virgate of land with the appurtenances in Horsinton', comes and withdraws himself. Therefore he and his pledges to prosecute, namely, Gilbert Michel and Geoffry de Sigewell, are in mercy, etc.

492. Adam le Waleys, who brought an assize of novel disseisin against the Prior of St. Suithun' of Winton' concerning a free tenement in Horton', comes and withdraws himself. Therefore he and his pledges to prosecute are in mercy. He made fine for himself and his pledges in 20*s.* by his pledges Geoffry Vassal and Robert Mariscall'.

493. Roesia de Tunemereton' puts in her place Geoffry le Bastard' against Richard de la Ryvere on a plea of land, etc.

494. Agnes wife of Gervase de Hampton puts in her place Gervase against James de Chiffindon' on a plea of a reasonable part, etc.

495. Amabel wife of Robert de Chaundoys puts in her place Robert her husband against Adam de Ayston' on a plea of novel disseisin, etc.

Memb. 3d.

496. The assize comes to recognise whether William Jollam, father of Roger, was seised in his demesne, etc., of four ferlings of land with the appurtenances in Brumstert[1] on the day on which, etc., and whether, etc., which land Geoffry de Cotenor'[2] holds, who comes and says that the assize ought not to be made, because he, Roger, was himself in seisin of that land after the death of the aforesaid William his father, so that Roger did homage to him [Geoffry] for the same land, and held it of him Geoffry, and afterwards Roger sold to Geoffry the aforesaid land, and has made his charter thereof. And being asked at what time Roger made the said charter to Geoffry, he says that thirteen years ago he made the charter to him. And Roger is seen, and it is testified that he was under age when the charter was made. Therefore it is considered that Roger should recover his seisin, and that Geoffry is in grave mercy.[3] Let him be in

[1] Broomstreet, near Culbone. [2] Kitnor or Culbone.

[3] The expression "*in gravi misericordia*" is unusual. It shows how seriously Geoffry's conduct in obtaining a charter from an infant and so depriving him of his seisin was regarded. Roger was in custody during his infancy (see No. 497), and most probably Geoffry was his guardian, as he was Roger's lord, in respect of this land. If so, his offence was aggravated, and the fact of his position might account for the difference in the amount of the fines in the two cases.

custody, and let Roger's charter which Geoffry had of the said land be cancelled (*dampnetr*). Afterwards Geoffry comes and makes a fine of 15 marks by his pledges, Roger son of Simon, David de Pentyn, Philip de Lukkumb', Adam de Wetheford, and John de Luckumb'.

497. The assize comes to recognise whether William Jollan', father of Roger, was seised in his demesne as of fee of one ferling and a half of land with the appurtenances in Thornor on the day on which, etc., and whether, etc., which land Roges de Porlok holds, who comes and says that he ought not to answer him [Roger] on this writ, because he himself [Roger] was in seisin of the said land after the death of William his father, so that he, Roger, sold the land to him, Roges, by his charter, which [the latter] proffers, and which testifies this. And Roger comes and says that the charter ought not to hurt him because at the time when it was made he was under age and in wardship, and therein he puts himself upon the assize, and Roger likewise. The jury say that in truth the aforesaid Roger Jollayn was in seisin of the aforesaid land after the death of his father, but they say that he was under age at the time when the charter was made, because it was made before the crossing of our lord the Earl Richard into Brittany, so that at the most he was not more than fifteen years of age. Therefore it is considered that Roger should recover his seisin, and Roges is in mercy. He made a fine of 1 mark by pledges of Geoffry de Dunheved and John de Locumb'.

498. John Love gives 20*s*. for a licence to agree[1] with Ralph de Kingebir' on a plea of land by pledge of Ralph de Muntsorel and the aforesaid Ralph.

499. Stephen de Mandevill' seeks against Geoffry de Maundevill' two virgates of land and three acres of meadow with the appurtenances in Kynton"[2] as his right, etc., and in which the same Geoffry has no entry unless by Robert de Mandevill', to whom William de Mandevill', father of the aforesaid Stephen, whose heir [he is], etc., demised them for a term, which has expired, and he produces suit, etc. And Geoffry comes and defends his right and such entry, and says that the aforesaid William de Maundevill' released and quitclaimed for himself and his heirs Kynton' with all its appurtenances which Robert de Mandevill' his nephew had commended to him for the

[1] See "Somerset Fines," p. 119, No. 76. [2] Keinton Mandeville.

support of his life, and all the right and claim which he had or might have in the same vill with all its appurtenances for himself and his heirs to the aforesaid Robert de Maundevill' and his heirs without any reservation, and proffers a charter of the said William de Maundevill', which testifies this. Afterwards a concord was made by licence, and they have the chirograph. And Geoffry gives 1 mark for the licence to agree.[1]

500. The assize comes to recognise whether Henry de Gant unjustly, etc., obstructed a certain way in Polet to the injury of the free tenement of John Cote in Strethold', since the first crossing, etc., and whereon it is complained that the aforesaid Henry has raised a certain dyke in the same vill to the injury, etc. And Henry comes and prays judgment whether he ought to answer him, inasmuch as his writ speaks of obstruction of a certain way, and in his statement [John] says that [Henry] raised a certain dyke. And because in his pleading he varies from his writ, it is considered that Henry [may go] without a day, and John Cote is in mercy by his pledges, Jordan de Bradenye and Thomas Trevet.

501. The assize comes to recognise whether Alexander de Pleybyr'[2] father of Emma, the wife of Roger de Pleybir', was seised in his demesne, etc., of five acres of land, with the appurtenances, in Katikote,[3] on the day on which, etc., and whether, etc., which land Roger Whythand holds, who comes and says that the assize ought not to be made, because he does not hold the entirety of the said five acres, for that a certain William de Hamme holds half an acre and Thomas de Berton' holds half an acre thereof, and upon that he puts himself upon the assize. And Roger and Emma come and say that he, Roger, holds the entirety of the said five acres of land, with the appurtenances, and so held on the day when the writ was sought, and upon that they put themselves upon the assize. The jurors say that the aforesaid Roger Whythand holds the entirety of the said five acres of land, with the appurtenances, sought against him. Therefore it is considered that Roger and Emma should recover their seisin in the aforesaid five acres, with the appurtenances, by view of the jury. And Roger Wytang' is in mercy by his pledge.[4]

[1] The fine was levied in the quinzaine of Hilary: "Stephen quitclaimed to Geoffry, and for this Geoffry gave him 1 mark." "Somerset Fines," p. 122, No. 89.

[2] For Pleybury, see Bruton Chartulary.

[3] Catcott in Moorlinch.

[4] There is a marginal note "miã" run through, and below "c^{9}," *i.e.*, *custodiatur*.

502. The assize comes to recognise whether John de Langebrug' unjustly, etc., raised a certain dyke in Langebrug' to the injury of the free tenement of the Prior of Bath in Walekote, since the first crossing, etc. And John comes and confesses that he raised the said dyke to the injury, etc. Therefore it is considered that the dyke should be thrown down by view of the jury, and that it should be as it was wont and ought to be, and John is in mercy. Let him be in custody.

503. Walter Cumyn, who brought an assize of novel disseisin against the Abbot of Glaston' concerning common of pasture in Markbyr', which appertains to his free tenement in Hundesterte, comes and withdraws himself. Therefore he and his pledges to prosecute, namely, John de Hundisterth and Richard de Hundesterth, are in mercy. Pledges for Walter's amercement: Nicholas Boyvin of Kattkote and Roger son of Richard de Mere.[1]

504. Agnes wife of Morice de Legh' puts in her place Morice before the four knights sent to her, etc., against Amice de la Bye on a plea of land, etc.[2]

505. Philippa, formerly the wife of Philip de Wyk', gives 1 mark for a licence to agree with William le Usser on a plea of dower, by pledge of Robert de Chandos. And it is agreed that the aforesaid William Lussier, guardian of the land and heirs of Philip la Wyk', should grant to Philippa the manor of Wyk', with its appurtenances, except a certain hamlet which is called Aeston', to hold for the whole life of Philippa in the name of dower,[3] saving the right of the aforesaid heirs on attaining full age, etc.

Memb. 4.

506. William[4] de Broy, who brought an assize of novel disseisin against Katharine de Monte Acuto, John de Gatesden',

[1] In the margin here is written "bo." I take it to be a contraction for *bona*, and may signify that on enquiry it has been found that the pledges have goods sufficient to answer their liability. I have not met with such note elsewhere.

[2] This would appear to be a case of vill-sickness. If so, Agnes was prevented by sickness from continuing her attendance in court after the first day. On the fourth day four knights would have been sent to her by the court to obtain her appointment of an attorney for her to gain or to lose. The knights certify that she appoints her husband. See Bract., f. 363b. See also Nos. 528 and 529.

[3] Assignment of dower was not postponed by reason of the infancy of the heir (Glanv., book vj., c. 17).

[4] Over this name is written "*nichil*."

and Roger de la Stile concerning a tenement in Oysebergh', does not proceed. Therefore he and his pledges to prosecute, namely, Robert Launclevée and Richard de Hillecumb', are in mercy.

507. William de Bykeslegh' seeks against Moses (*Moys*) le Bret six messuages, with the appurtenances, in Holewell, as his right and inheritance, etc., and whereof one William his ancestor was seised as of fee and by right in the time of King John, taking therefrom profits to the value of ½ mark. And from him, William, the right in that land descended to one Huardus as son and heir, and from him Huardus to him, William, who now claims as son and heir, and that such is his right he offers, etc. And Moses comes and defends his right when and where, etc., and says that he ought not to answer him on this writ because the same William has elsewhere impleaded him concerning three acres of land and three cottages in the same vill in the court of our lord the King that now is, so that a chirograph was made between them in the same court,[1] and he proffers the chirograph, which testifies that the aforesaid William admitted the aforesaid land and cottages, with the appurtenances, to be the right of him, Moses, to have and to hold the same to Moses and his heirs, of the aforesaid William and his heirs, in like manner with all other lands and tenements which the same Moses held of the aforesaid William in the same vill on the day on which the licence to agree was granted by the services in the same chirograph contained. And William de Bykeslegh' comes and says that that chirograph ought not to hurt him, because the six messuages which he seeks are not [part] of the aforesaid three acres and three cottages in the chirograph contained, and that the same Moses does not hold those six messuages, which William seeks against him, of William himself, and he offers our lord the King ½ mark that it may be inquired whether the aforesaid Moses, on the day on which the aforesaid chirograph was made between them, held the said six messuages of the aforesaid William or not, and it is received. And William [Moses] likewise puts himself upon that inquest. Therefore let a jury be had thereon.[2] Afterwards William

[1] At Westminster in three weeks of Easter, 26 Hen. III. See "Somerset Fines," p. 109, No. 40.

[2] Upon this the sheriff would be ordered to summon a jury of twelve before the coroners and himself, to make the inquiry.

comes and confesses that the aforesaid Moses held [of William] on the day on which the chirograph was made, the said six messuages which he seeks against him. Therefore it is considered that Moses [may go] without a day, and William is in mercy. He made a fine of 40*s.* by pledge of Richard de Langeford.

508. Ranulf Flury, who brought a writ of novel disseisin against William the Usher (*hostiarius*[1]) and others concerning a tenement in Nygehide,[2] does not proceed. Therefore he and his pledges to prosecute, namely, Walter de Knippelegh and Stephen[3] de Welington, are in mercy. And Simon de Webbeford', one of the recognitors, does not come. Therefore he is in mercy.

509. Robert de Marisco seeks against Walter Page five ferlings of land, with the appurtenances, in Babinton', as his right, etc., and whereof Robert was seised as of fee and of right in the time of our lord the King that now is, taking therefrom profits to the value of 10*s.*, etc. And Walter comes and vouches to warranty the Master of the Knights Templars in England. Let him have him on the octave of the Purification of the Blessed Mary by aid of the court. And Robert puts in his place Jordan de Marisco.[4]

510. William de Dunnemere seeks against Geoffry de Mora two virgates of land, with the appurtenances, in Bissopeston';[5] and against Robert the Chaplain half a virgate of land, with the appurtenances, in the same vill; and against Luke de Tytenhull' half a virgate of land, with the appurtenances, in the same vill, as his right, etc., and whereof one Henry his ancestor was seised in his demesne as of fee and of right in the time of King Henry, grandfather of our lord the King that now is, taking therefrom profits to the value of ½ mark, etc., and from him, Henry, the right in that land descended to one Ralph as son and heir, and from him, Ralph, to one William as brother and heir, and from him, William, to William himself, who now seeks as son and heir, etc. And that such is his right he offers, etc.

[1] There are various meanings, ecclesiastical as well as civil, of the word *hostiarius* (see Ducange, Gloss.), but "the Usher" is probably correct here; see No. 505.

[2] Nynehead Florry.

[3] Over this name is written "*alibi*."

[4] This suit seems to have ended in a fine levied at Westminster in the quinzaine of Easter. See "Somerset Fines," p. 112.

[5] Bisshopston in Montacute.

And Geoffry and the others come, and Luke vouches to warranty the aforesaid Geoffry, who is present, and he warrants him. And Geoffry and Robert defend his [William's] right and the seisin of the aforesaid Henry his ancestor, and put themselves upon the Grand Assize of our lord the King, and pray that a recognition may be made whether they have a greater right in the said land than the aforesaid William. And Geoffry offers our lord the King ½ mark to have by the mention of year and day, etc.,[1] and it is received, by pledge of Luke de Tyntenhull. And William Maubaunc, sworn, Benedict de Bere, sworn, William de Aston, sworn, and Thomas de Cruket, sworn—four knights summoned to choose twelve to make the assize, come and elect them, to wit, Pharamond de Bolonia, Eustace de Doueliz, Alan de Furneus, Robert de Stantun', Adam de Wodeton', Adam Gyanne, William de Bikelegh', Robert de Bosco, Ralph de Meriet, Ralph son of Bernard', William Malet, Geoffry de Wermewell', John de Bonevill', Richard de Langeford', Lanvalus Pancevot, and William de Paris. Afterwards they are agreed, and William gives 40*s.* for a licence to agree[2] by pledge of Herbert de Kausne and Robert Lancelevée.

511. And be it known that the aforesaid William[3] sought against William de Hewenb'g and his wife one virgate of land with the appurtenances, in the same vill. And she essoined herself *de malo lecti*, and she is ill. Therefore he is told that he should look for his day against her at the Tower of London.

512. Martin de Legh gives 1 mark for a licence to agree[4] with Ralph Hose and Eva his wife on a plea of land, and let them have the chirograph. By pledge of Robert de Blakeford.

513. Robert de Sancta Barba gives 1 mark for a licence to agree[5] with Cecily daughter of Ralph de Sancta Barba on a plea

[1] A demandant on a writ of right must be able to support his allegation of seisin at the time pleaded by him by proof. If upon the "mise joined," that is, upon the joinder of issue as to the *right*, the defendant tenders money for the time, he raises a true issue of *fact* which the assize must first find. Thus, in the case before us, upon the acceptance of Geoffry's ½ mark the assize would be directed first to find whether William's ancestor was in fact seised in the time of King Henry the grandfather. If the assize should find this not to be true, they would go no further. If, on the other hand, the seisin should be established, the assize would proceed to deal with the question of right. See as to this practice, Co. Litt., 293a. See No. 587.

[2] See "Somerset Fines," pp. 114–5.

[3] See "Somerset Fines," pp. 114–5, where the extract appears to refer to this suit.

[4] See "Somerset Fines," p. 119, No. 77.

[5] "Somerset Fines," p. 120, No. 81.

of land. By pledges of Herold de Glaston' and Thomas de Marisco.

514. Margaret, who was the wife of Roger fitz Payne, puts in her place Thomas son of Thery against Adam the cook (*cocus*) on a plea of land and on a plea of mort d'ancestor, etc.

515. Emma wife of Hugh Sanzaver puts in her place ——[1] Hugh Sanzauver, and Emma his wife put in their place Nicholas le Poher against Ralph le Sauvage[2] on a plea of warranty of charter, etc., and against Robert le Beu and others in the writ named on a plea of naifty, etc. A day is given them on Wednesday next after the Purification of the Blessed Mary.

516. Joel de Valletorto, the sheriff, is in mercy because he has no writ at hand nor in any way sufficiently answers, and he is amerced in 20 marks.[3]

517. The Abbot of Keynessum puts in his place Robert de Chaundoyes against Walter the Chaplain of Staunton, on a plea of mort d'ancestor, etc.

Memb. 4d.

518. Osbert de Norhtover, who brought a writ of mort d'ancestor against Matilda daughter of Thomas and others concerning twenty-one acres of land with the appurtenances in Chiw, does not proceed. Therefore he and his pledges to prosecute, namely, Henry Lunesheft and Vitor de la Hale, are in mercy.

519. The assize comes to recognise whether Richard Kyte father of William was seised in his demesne, etc., of one messuage with the appurtenances in Tampton' on the day on which, etc., and whether, etc., which messuage Christiana, formerly the wife of Richard Kyte, holds, who comes and says that the assize ought not to be made because she does not hold that messuage, but that a certain Nicholas son of Richard, and John and Geoffry brothers of Nicholas, hold it. The jurors say that in truth Christiana does not hold that messuage, but that the aforesaid Nicholas and his brothers [hold it]. Therefore it is considered that Christiana [may go] without a day, and

[1] At this place the entry ends, and what follows is written as a fresh entry.

[2] Apparently he is the same person as Ralph de Cherleton, named in the fine abstracted in "Somerset Fines," p. 121, No. 84. See No. 614.

[3] The sheriff had not prepared himself properly for the coming of the justices and was careless, and so he was heavily fined.

William is in mercy. He made fine for 10*s.* by pledge of Richard de Treyberge and Robert de Angers.

520. The assize comes to recognise whether Jordan de Alkeseye unjustly, etc., raised two dykes in Polet[1] to the injury of the free tenement of Henry de Gant in the same vill, since the first crossing, etc. And Jordan comes and alleges nothing wherefor the assize should remain. And William Long (*Longus*), one of the jurors, does not come. Therefore he is in mercy. The jurors say that the aforesaid Jordan raised two dykes to the injury of the free tenement of the said Henry, as the writ says, so that where the said Henry was accustomed to pass with carts and teams (*cum carrettis et bigis*) he is hindered by the dykes, by which he is less able to use the said way. Therefore it is considered that the dykes should be thrown down by view of the jurors, and that the way should be as it ought and was wont to be. And Jordan is in mercy by pledge of Walter de Kote and Martin Cole. Damages, 2*s.*

521. The assize comes to recognise whether Harald de Glaston' and Walter le Franc unjustly, etc., disseised Jordan de Marisco of his free tenement in Cusinton',[2] since the first, etc., and concerning which it is complained that they disseised him of a yearly render of half a pound of cumin which a certain Matilda de Hause was accustomed (*solebat*) to render to him. Afterwards Jordan comes and withdraws himself, as appears elsewhere in the roll.[3]

522. Sabina daughter of Geoffry, who brought a writ of entry against Christiana, who was the wife of Walter de Sancto Georgio, and Richard and Geoffry sons of Christiana, concerning three messuages, with the appurtenances, in Axebruge, does not proceed. Therefore she and her pledge to prosecute, namely, Stephen de Bledon', are in mercy, but her other pledge has died.

523. Jordan de Marisco, who brought a writ of entry against Jordan son of Jordan Ridell' touching a rent of 5*s.* 6*d.* with the appurtenances in Cusinton, comes. And Jordan son of Jordan does not come, and it is testified that he does not hold the aforesaid rent, because he lost (*amisit*) it previously upon an assize of mort d'ancestor. Therefore it is considered that Jordan de Marisco should take nothing by that writ, and that he should be amerced for his false claim. Let him be in custody.

[1] Pawlet. [2] Cossington. [3] See No. 623.

524. The assize comes to recognise whether Alexander de Alscumb' father of Alice, wife of Warresius son of Reginald, was seised in his demesne, etc., of eight acres of land with the appurtenances in Cruk', on the day, etc., and whether, etc., which land Walter de Ely holds; who comes and says that no assize ought to be made therein, because he holds no land in Cruk', and the others confess this. Therefore Walter may go without a day, and Warresius and Alice are in mercy. [The amercement] is pardoned because they are paupers.[1]

525. The assize comes to recognise whether Lecia daughter of Walter, and mother of Roesia wife of William de Ardis, was seised in her demesne, etc., of one messuage with the appurtenances, in Radeklive,[2] on the day on which, etc., and whether, etc., which messuage Henry Hallehors and Isabella his wife hold, who come. And upon this come the bailiffs of Bristoll', [who say that] that tenement is in the liberty of Bristoll', where such a writ does not run.[3] And they proffer a charter of King Henry, grandfather, etc., which testifies this. Therefore it is considered that Henry and Isabella [may go] without a day, and William de Ardis is in mercy. Let him be in custody.[4]

526. William de Ardis and Roesia his wife seek against Henry Hallehors one messuage with the appurtenances, in Radeclive, as the right of Roesia, in which Henry has no entry unless by Isabella, formerly the wife of Eborard son of Thomas, who held it in dower of the gift of Eborard, formerly her husband, brother of Roesia, whose heir she is as they say. And Henry comes and fully confesses that he has entry through Isabella his wife, as the writ says. And because William and Roesia admit this, it is considered that Henry should hold the said messuage with its appurtenances for the whole life of Isabella his wife, and William is in mercy for false claim.[5] William's pledges for the amercement: Robert Arthur of Bysburthi and Robert Alein of Bermenistr'.

527. William[6] son of Nicholas, who brought a writ of mort d'ancestor against William de Windlesor' concerning half the

[1] In the margin. [2] Redcliff, Bristol.
[3] See note to No. 422, *ante*, with respect to Wells, and the Grand Assize.
[4] In the margin.
[5] In the margin is "c^{9}," let him be in custody.
[6] Over this name is written "*nichil.*" See note to No. 508. "Usher" may or may not be right in this context, but it seems probably correct.

manor of Bikenhal,[1] does not proceed. Therefore he, William, and his pledges, namely, Laurence of the Exchequer (*de Scaccario*) and Robert the usher (*hostiarius*), are in mercy.

528. Robert de Staunton', Adam de Wudeton', Geoffry de Warmwull', and Alan de Furuneys, four knights sent to Simon de Pillesdon,' who is ill, etc., to hear,[2] etc., say that he has attorned in his place Geoffry de Wells against John the parson of Cruk' on a plea of land, against Adam Goldclive on a plea of land, and against Helewisa de Maundevill' on a plea of dower, etc.

529. Dionysia de Bydeford puts in her place Ralph de Giseli against Ralph de Giselade on a plea of land before four knights, etc.

Memb. 5.

530. Mabel daughter of Adam Balle seeks against Henry de Cuntevill' one messuage with the appurtenances, in Welles, as her right and marriage portion, etc., by writ of entry. And Henry comes and vouches to warranty Ralph Magod. Let him have him on the coming of the justices into the county of Dorset by aid of the court. And let him be summoned in the county of Southampton.

531. Richard le Bigod gives 1 mark for licence to agree with the Abbot of Cirnecestr' concerning common of pasture in Marston by pledge of the Abbot and Thomas Trevet, etc.

532. The Abbot of Ford gives 20*s.* for a licence to agree with Peter de Houca and Joan his wife on a plea of warranty of charter, etc.[3]

533. Richard de Mucegros seeks against Nicholas Michel one virgate of land, except three acres, with the appurtenances in La Hole, and against Roger le Porter and Matilda his wife two acres of meadow with the appurtenances, in the same vill, as his right, etc., and whereof one Margery his mother was seised as of fee and of right in the time of King John, taking thence profits to the value of ½ mark, etc. And from her, Margery, the right in the land descended to him, Richard, as

[1] Bicknell, called also Bichenhall.

[2] This and the next entry are cases of vill-sickness, when the parties have appeared in court, but have been prevented by sickness from continuing their attendance, not to be confounded with an essoin *de malo lecti*. See note to No. 504.

[3] See "Somerset Fines," p. 118, No. 73. The fine was between "Adam, Abbot of Ford, querent, and Peter de Hoghe and Joan his wife, impedients, for half a virgate of land in Leghe."

son and heir, and that such is his right he offers to deraign against them by the body of a certain free man of his, by name Robert de Pontefracto, according to what was seen by Sewall his father, etc.[1] (*ut de visu Sewali patris sui, etc.*). And Nicholas comes and defends his [Richard's] right and the seisin of the said Margery his mother, when and where, etc. And this he offers to defend by the body of his free man, Thomas de Pyrton' by name, who is present, as the court shall consider. Therefore it is considered that there should be battle between them, and that Thomas should give gage to defend (*defendendi*) and Robert should give gage to deraign (*disracionandi*). Pledges of Thomas: Robert de Columbariis and Thomas Daniel. Afterwards they are agreed, and Richard gives $2\frac{1}{2}$ marks for a licence to agree by pledge of Richard de Wrotham and Nicholas Michel. And Nicholas Michel gives $2\frac{1}{2}$ marks for the same by pledge of Robert de Blakeford and Richard de Wrotham. And be it known that the aforesaid Nicholas Michel freely warrants Roger le Porter and Matilda his wife, and they are agreed as to the whole, and let them have the chirograph.[2]

534. William le Deveneys seeks against Lucy de Monte Acuto one virgate of land with the appurtenances, in La Waye, as his right, and whereof Gilbert father of him, William, was seised as of fee and of right in the time of King John, taking profits to the value of $\frac{1}{2}$ mark, etc., and from him, Gilbert, the right in that land descended to this William as son and heir. And that such is his right he offers, etc. And Lucy, by her attorney, comes and vouches to warranty Katharine de Monte Acuto, daughter and heir of John de Monte Acuto. Let her have her on Sunday next after the Purification of the Blessed Mary by aid of the court. The sheriff is notified, etc. On that day Katharine does not come. Therefore it is considered that of the land of Katharine there should be taken to the value, etc. And a day, etc. And she is summoned that she should be [present] on the next coming of the justices into the county of Dorset.[3]

[1] A champion was supposed to have knowledge of the matter, either by his own eyes, or from what his father had told him. See note to No. 564.

[2] The land was in "Horsinton." See "Somerset Fines," p. 117, No. 67

[3] In litigation about land the tenant, or as we should call him the defendant, instead of defending himself, might call in a third person to defend it. If the third person was bound, or admitted that he was bound, to warrant the defendant, the latter retired, and the action proceeded against the warranto If the plaintiff succeeded, he

535. Andrew de Stratton and Bertha his wife sought in the county [court][1] Robert de Percy as their fugitive villein, etc., so that the said Robert came, and brought a writ of our lord the King to prove that he is a free man, and that in the meantime he should be in peace. And now he comes and proffers a certain charter of Humphrey de Sancto Vitoro, brother of the aforesaid Bertha, which testifies that the same Humphrey, on the petition of his mother, granted and quitclaimed to Robert the servitude which he had of him, and that he, Robert, and all begotten by him should be free men for all time of him, Humphrey, and his heirs for ever. And Andrew and Bertha by him, Andrew, put in her place, etc.,[2] come to say that the charter ought not to hurt them, because the said Humphrey never made that charter, nor was it made with his assent or by his will. And that thus it was they put themselves upon the country and upon the witnesses named in the charter, and Robert [does] likewise. Therefore let a jury be had. Afterwards they are agreed by licence, and have the chirograph.[3]

536. Robert de la Penne gives ½ mark for a licence to agree with Walter son of Matilda concerning half of one burgage with the appurtenances, in Welles, by pledge of the said Walter, [and they have the chirograph[4]]; and it is agreed that the aforesaid Walter should release the whole for 2 marks, which Robert gave him, etc.

537. Herbert le Mazun[5] and Iseult his wife, who brought an assize of novel disseisin against William de Marleberg' touching a free tenement in Welles, do not proceed. Therefore they

recovered the land from the defendant, who in his turn recovered an exchange in value (*excambium ad valentiam*) from the warrantor. (See "Hist. Eng. Law," Vol. ii., p. 659.) If the warrantor, being bound to come, did not, what ought to be done to compel him? Manifestly, as Glanvill thought (Bk. III, ch. 4), it would be unjust to take the tenement in dispute into the King's hand, because the tenant was not adjudged to be in default. The sheriff was therefore ordered to take into the King's hand so much of the warrantor's land as would be equivalent in value to the land, in respect of which he was vouched to warranty. The writ to the sheriff was the "great *cape*" or the "little *cape*," according to whether the warrantor had made default before or after appearance. The procedure was more complicated where there were successive warrantors in various conditions of default, &c. (See Bract., fo. 384 *et seq.*)

[1] The county court had not jurisdiction to try a question of disputed villeinage. In such case the defendant had a writ to remove the claim to the King's Court. (See the writ in Glan., Bk. V., ch. 2.)

[2] See No. 444.

[3] See note to No. 444.

[4] The words in brackets are struck out.

[5] Over this name is written "*alibi*."

and their pledges to prosecute, namely, Roger Whyteng'[1] and Humphrey Michel, are in mercy.

538. Alice, who was the wife of Reginald de Stok', seeks against John le Ostricer one-third part of twenty-two acres of land with the appurtenances, in Stok', as her dower, etc. And John comes, and by licence gives up to her the said third part upon condition that if the said Reginald, husband of Alice, should be alive and should return to those parts, the aforesaid one-third part should revert to the said John and his heirs, etc.

539. Nichola de Chamflur, who brought an assize of novel disseisin against the Master of the Hospital of Bokland' concerning a tenement in Hewise, does not come, and she withdraws herself. Therefore she and her pledges to prosecute, namely, Thomas de Periton' and Ralph le Waleys, are in mercy. She made a fine for *20s.* for herself and her pledges by pledge of the aforesaid Master.[2]

540. John Pillok', who brought a writ of warranty of charter against Henry son of Humphrey concerning one ferling of land with the appurtenances, in Cheselade, does not proceed. Therefore he and his pledges to prosecute, namely, Henry Blund and Humphrey Prat, are in mercy. John's pledges for the amercement: Robert de Cokere, John de Everlegh.

541. Peter, Prior of Wells, and Robert, Vicar of St. Cuthbert in Wells, put in their place Thomas de Lungeland' against Geoffry de Maundevill' on a plea of covenant, etc.

542. Alice, who was the wife of John Brien, puts in her place Ralph Fardayn against Lucy de Bohun on a plea of dower.

543. The Abbot of Clyve puts in his place Adam de Wetheford' against Baldwin de la Bere on a plea of covenant.

544. Iseult de Bere puts in her place Peter de Bere her husband against Ralph son of Bernard on a plea of land.

545. Amabel de Bevene puts in her place Geoffry de Laverton against Thomas the chaplain of Efferton and William de Mamus, and others named in the writ, on a plea of land, etc.

546. Matilda de Alneto puts in her place Roger Portarius against Richard de Mucengros, and others named in the writ, on a plea of land, etc.

547. The Abbot of Neth' puts in his place Brother Ernald his lay brother against William de Barry on a plea of warranty of charter, etc.

[1] Over this name is written "*alibi*."

[2] See No. 472.

548. William the Franklin of Nethercote gives 1 mark for a licence to agree with William Spark and Juliana his wife and Sabina sister of Juliana on a plea of assize of mort d'ancestor by pledges of Peter de Thurkewell' and the said William Spark.[1]

Memb. 5*d.*

549. Theophila daughter of Sampson seeks against Alice daughter of Robert de Stokwode two parts of one virgate of land with the appurtenances, in Stokwode, as her right, etc., of which one Henry her brother was seised as of fee and of right in the time of our lord the King that now is, taking therefrom profits to the value of ½ mark, etc., and from Henry the right in that land descended to her, Theophila, who now claims as sister and heir, and that such is her right she offers, etc. And Alice comes and says that she ought not to answer upon this writ, because the said Henry had a certain brother Robert, father of her, Alice, whose heir, etc., who had the greater right in the said land than Theophila. And Theophila cannot deny this. Therefore it is considered that Alice [may go] without a day, and Theophila is in mercy. She is a pauper, and has nothing.

550. Robert de Aldewyk, who brought an assize of novel disseisin against the Abbot of Glaston', and many others named in the writ, concerning common of pasture in Wringeton, which appertains to his free tenement in Aldewyk,[2] comes and withdraws himself. Therefore he and his pledges to prosecute, namely, Stephen de Stanton and Robert Alayn of [Aldewyk, *struck out*] Beminstr', are in mercy. Robert's pledges for his amercement: Robert de Brente and Adam de Aeston'.

551. The assize comes to recognise whether Geoffry le Flemmang father of Ivette, wife of Payne de Stawell', was seised in his demesne, etc., of a rent of 5*s.* 6*d.* with the appurtenances, in Cusinton',[3] on the day on which, etc. And whether, etc., which rent Jordan Ridel, tenant, holds (*tenet*), who does not come, and he was re-summoned. Therefore let the assize proceed against him by default. And Hugh Tunayre, one of the jurors, does not come; therefore he is in mercy. The jurors

[1] "Somerset Fines," p. 119, No. 75. The fine was levied in the quinzaine of Hilary, 27 Hen. III., at Ilchester.

[2] Aldwick in Blagdon.

[3] Cossington.

say that the said Geoffry le Flemmang died seised of the said rent as of fee, and that he died within the term,[1] and that the said Ivette is his next heir. Therefore it is considered that Payne and Ivette should receive their seisin of the said rent, and Jordan is in mercy.

552. The assize comes to recognise whether the Abbot of Glaston' unjustly, etc., disseised Nicholas de Dunheved of his common of pasture in Melles, which appertains to his free tenement in Mykelstok', since the first crossing, etc. And wherein it is complained that the Abbot drew and appropriated to himself about forty-four acres of the said pasture which was always common of him [Nicholas] and his ancestors until the disseisin made by the Abbot, and thereon he puts himself upon the assize. And the Abbot comes and alleges nothing against the assize, beyond that he says that the aforesaid forty acres of pasture, touching which Nicholas complains, were always his [the Abbot's] severalty, and neither he [Nicholas] nor his ancestors were ever accustomed to have common there, and, moreover, he says that he [Nicholas] could not nor ought to have any common there, as appurtenant to any tenement in Mikelstok', and thereupon he puts himself upon the assize. And William de Thomy, one of the jurors, does not come; therefore he is in mercy.

The jurors say that in truth twenty years ago there were forty acres of pasture, concerning which Nicholas complains, enclosed within a dyke, and that the Abbot has now newly repaired and raised the dyke; that the said Nicholas was wont to common there, because the said dyke was not repaired; but they say positively that he ought not to have common there by reason of his tenement, wherefore they say positively that the Abbot did not disseise him of the said pasture. Therefore it is considered that the Abbot [may go] without a day, and Nicholas is in mercy by his pledges. And concerning the four acres, they say that a certain villein of the Abbot inclosed them, and that he disseised Nicholas. Pledges of Nicholas de Dunheved for his amercement: John de Bolevill', Ernisius de Dunheved.

553. Maurice de Legh' and Agnes his wife seek against Peter de Gurnay half a hide of land with the appurtenances, in Dundray, as their right, etc., of which one Henry father of Agnes was seised as of fee and of right in the time of King

[1] Of limitation.

John, taking therefrom profits to the value of ½ mark. And from Henry the right in that land descended to her, Agnes, who seeks. And that such is their right he offers, etc. And Peter comes and defends their right now, etc.,[1] and vouches to warranty Robert de Gurnay by the charter of Hawise de Gurnay, his, Robert's, grandmother, which he proffers, and which witnesses that she gave and granted to Maelus de Gurnay, her kinsman (*consanguineo suo*), all her land of Hasel with the appurtenances for his homage and service, and which she held of the Bishop of Bath in fee, to hold of her and her heirs quit of all services saving the royal service (*salvo regali servicio*), which belongs to the tenth part of one knight's fee, to wit, half a hide of land. And Robert comes and fully admits the charter and what is contained therein, and says that he will willingly warrant the land which he holds in Hasel, and asks judgment whether he ought to warrant him in respect of any tenement in Dundray, since the aforesaid charter does not refer to any tenement in Dundray. And Peter comes and says that he [Robert] unjustly says that he ought not to warrant him of the aforesaid land, because he, Peter, did homage to the said Robert for the same land, and holds it of him, and he, Robert, is in seisin of the service of him, Peter. And he says that the place called Hesel is member of Dundray. Afterwards they came to agreement[2] by licence, and have the chirograph. And Peter gives 1 mark for the licence to agree, by pledge of Adam de Aston.

554. Concerning the county of Somerset, except the liberties, its fine before judgment of 60 marks, because the county has not made suit.[3]

555. The Prior of Legh' gives 1 mark for a licence to agree with John de Arundell' on a plea of advowson by pledges of Hugh Peverel and Richard de Langeford,' and they have the chirograph.[4]

[1] i.e., "*nunc et alias ubi et quando defendere debet.*"

[2] See "Somerset Fines," p. 123, No. 92.

[3] A county was often amerced by the justices for offences or defaults, and not infrequently, when an adverse judgment was inevitable, the county forestalled it and made its peace by offering a sum of money. Instances are to be found in Madox Exch., p. 567. See also "Select Pleas of the Crown," Seld. Soc., No. 38. The sum so offered, or "fine," was collected from the county, except such liberties as were exempt by charter or prescription from such burdens. This particular entry is sufficiently difficult to translate to justify its reproduction here:—"D̃ Comitatu Sum̃set de fine suo ante Iud̄ lx. m̃ p̄t̄ lib̄ q̃ ñ sec̄ ÷ com̃."

[4] "See *ante*, No. 395, and "Somerset Fines," p. 119, No. 74.

556. Peter Ruffus gives ½ mark for a licence to agree with William Gernun and Hawise his wife on a plea of land by pledge of William the cook (*coci*).[1]

557. Sybil wife of Robert de Baggetripe puts in her place Robert her husband against Stephen Mich' [Michel?] and Sara his wife on a plea of land, etc.

558. Isabella wife of Henry Hallehors puts in her place him, Henry Hallehors, against William de Ardes and Roesia his wife on a plea of assize of mort d'ancestor, etc.

559. Matilda wife of Matthew de Columbariis puts in her place Adam de Bekkesghate against Nicholas son of Roger and Matthew de Clivedon on a plea by what right, etc.

560. Geoffry de Maundevill' puts in his place Ralph de Basinges against Geoffry de Brideport on a plea of covenant, and against Richard parson of Hardinton' on a plea of covenant.

561. The Abbot of Kaynesham puts in his place Robert de Chandos against William de Holecumbe on a plea of land.

Memb. 6.

562. The assize comes to recognise whether Jonas the clerk of Kaynesham, father of Walter, was seised in his demesne, etc. of three virgates and a fourth part of one virgate of land with the appurtenances, in Kaynesham, on the day, etc., and whether etc., which land the Abbot of Kaynesham holds, who comes by his attorney and vouches to warranty Richard de Clare, who is under age and in custody of our lord the King, by the charter[2] of Earl William, the ancestor of Richard, whose heir, etc. Therefore let [the matter] await his [full] age.

563. The assize comes to recognise whether William the cook, father of Adam, was seised in his demesne, etc., of one messuage with five acres of land and one acre of meadow with the appurtenances, in Stipekary,[3] on the day on which, etc., and whether, etc.; which messuage and which land and which meadow Margery Fitz Payn holds, who comes and says that the assize ought not to be made, because she holds that land in like manner with

[1] "Somerset Fines," p. 120, No. 79.

[2] The Abbot alleges that by reason of his ancestor's charter, Richard, the heir, is bound to warrant the title. As to the postponement of a trial by reason of the nfancy of a warrantor, see *ante*, note to No. 490.

[3] Probably Cary Fitzpayn in Charlton Makerel.

other lands which she has with one Robert, son and heir of Roger Fitz Payn, who is in the custody of our lord the King. And Adam cannot contradict this. Therefore it is considered that she should not answer without the leave of our lord the King.

564. Robert de Bere and Avice his wife seek against Richard son of Robert de Nitherton' two parts of half a hide, except two parts of two acres of land, and against Walter the baker (*Walterum pistorem*) and Alice his wife a third part of half a hide, except a third part of two acres of land, and against Richard parson of Corston' two acres of land with the appurtenances, in Corston', as their right, etc., and whereof Avice was seised as of fee, etc., in the time of King John, taking profits therefrom to the value of ½ mark; and that such is their right he offers to deraign against them by the body of Thomas de Perreton', his free man, as of his sight, etc.[1] And Richard the parson, and Walter the baker, and Alice his wife, come and vouch to warranty the aforesaid Richard son of Robert, who is present, and warrants them; and, as well touching the land which he holds as touching the land which he warrants, he comes and defends their right and the seisin of the aforesaid Avice and everything, and this he offers to defend against the aforesaid Robert and Avice by the body of a certain free man of his, Richard le Norreis by name, as the court shall consider, and, if any ill should happen to him, by some other sufficient man who may be able and ought to do this (*et si de eo, etc., per alium, etc.*).[2] Therefore it is considered that there should be battle between them, and Richard gives gage to defend and Thomas to deraign. Pledges of Richard: Robert de Bosco and Richard de Cantilupo. Pledges of Thomas: William the cook of Liminton' and Walter le Bretun of Schyreburn'. And Robert and Avice put in their place Richard their son. A day is given them on Monday next after the quindene of Easter at Westminster, and then let them come armed. Afterwards they are agreed, and they have the chirograph.[3]

[1] See *ante*, note to No. 533. *Quære*, Was this Thomas de Perreton the same man as the Thomas de Pyrton of the previous entry, and, if so, was he a professional champion?

[2] This phrase should read, if written at length, "*et si de eo male contigerit per alium sufficientem qui hoc facere possit et debeat.*"

[3] This statement is interlined before the grant of a day. See "Somerset Fines," p. 111, No. 46. It was levied in the quinzaine of Easter in the same year, at

565. William son of Geoffry, who brought an assize of novel disseisin against Thomas son of Maurice touching a certain dyke raised in Aleveston to the injury of his free tenement in the same vill, came and withdrew himself. Therefore he and his pledges to prosecute, namely, Stephen de Stanton and Geoffry de la Wyk', are in mercy. William's pledge for his amercement ——[1] He made a fine for himself and his pledges for 1 mark by the pledges of John son of Robert de Stant and Thomas Attewode of Alnetheston.

566. Robert Walerand and Adam le Frere were attached to answer Master Thomas de Asewy on a plea why they, with force and arms and against the peace of our lord the King, ejected (*qr̃ vi ⁊ armis ⁊ cont^a pacem dñi Reg̃ eiec^o unt*) the aforesaid Master Thomas of the custody of the land which was of Robert de Barnevill' in Heynton' St. George, which custody he had of the gift of Gilbert Marscall', formerly Earl of Pembrok', and which land the said Robert held of the same Earl by knight service, and that by such ejectment he is injured and has suffered damage to the value of 60 marks, and he produces suit, etc And Robert comes and defends the force, injury, peace, damages and everything, and wishes to speak the truth. He says that in truth Earl Gilbert Mariscall at one time delivered the said custody to the aforesaid Master Thomas [to hold] at the will of him, the Earl, and that afterwards the same Earl ordered the said Master, and the same Master gave up the custody to the aforesaid Earl. And the Earl afterwards delivered the custody to the same Robert, and sent his steward and a servant to Robert to make seisin to him of the said custody, and he vouches Walter, Earl Mariscall', brother and heir of the aforesaid Earl, to warrant him. Let him have him in one month after Easter at Westminster, by help of the court.

567. Walter Kyte, who brought an assize of novel disseisin against Peter de Cuntevill' and others in the writ named touching a tenement in Merk', came and withdrew himself. Therefore he[2] and his pledges to prosecute, namely, Roger Wys of Merk and Thomas Bacheler of Ivelcestr', are in mercy. Walter's pledges

Westminster. It is there said that the duel "was waged in arms and fought between them in court." It no doubt was an interrupted, if not a simulated, duel, of which there are recorded instances.

[1] This part of the entry is unfinished. The clerk was evidently waiting for the name of the pledge, when by reason of the fine made they were no longer necessary.

[2] In the margin is "c^o," i.e., *custodiatur*.

for his amercement: Richard de Cunteville' and William de Marisco. Afterwards comes John de Modeslegh', one of the principal disseisors, and grants to the same Walter Kyte the whole of the land whereof he said he was disseised, to wit, nine acres, with the appurtenances, to hold for the whole life of Walter, and after his death it should revert to the aforesaid John and his heirs, quit, etc.

568. The assize comes to recognise whether Walter de Hely unjustly, etc., disseised Warresius son of Reginald and Alice his wife of their free tenement in Ascume, since the first crossing, etc., and wherein it is complained that he disseised them of one acre of land, on which was situate a certain mill. And Walter comes and says nothing wherefor the assize should remain. The jurors say that the aforesaid Werrasius was never seised of the aforesaid land. Wherefore they say positively that the said Walter did not disseise him (*eum*) of any free tenement. Therefore Walter [may go] without a day, and Werrasius is in mercy for his false claim by pledges of Thomas de Pillesdon' and Peter de Whatekumb'.

569. The assize comes to recognise whether Geoffry de Brideport, Walter his brother, John the smith (*Johannes Faber*), Richard the carpenter (*Ricardus Carpentarius*), Henry Faiher, Henry Hunte, Simon Ferar', William Kaherdigan, Geoffry Diure, William Diure, Richard the serjeant, Thomas de Langeland', Adam son of Martin, Richard de Stincton, Richard Bonegent, Robert son of Emma, Geoffry son of Emma, Henry de Stratton, John Deveneys, Wyot the baker (*pistor*), Richard the vintner (*Vinetarius*), William the clerk, William Ukedy, Robert Franceis, Robert Capie, Roger le Macecrer, Jordan Scissor, Richard the baker, Geoffry Wolf, and Robert the ploughdriver (*Tinctor*)[1] unjustly, etc., disseised Robert de Columbariis of his free tenement in Lamieton, since the first crossing, etc., and wherein it is complained that they disseised him of one moiety of the manor of Lamyetun' with the appurtenances. And no disseisor comes except Geoffry de Brideport, who comes and says nothing wherefor the assize

[1] This word is translated by Mr. Smirke in the Glossary attached to his paper on the "Custumal of Bleadon," (Proc. Arch. Institute, 1849), as "the plough-driver, who *tings*, i.e., goads the oxen." He points out that in a roll cited by Cullum, "Hist. of Hawsted," he is called *tentor*. "The word 'ting' is locally known in the provinces." That Mr. Smirke was right in his rendering of the word appears plainly in several places in the "Rentalia et Custumaria of Glastonbury" (Som. Rec. Soc.), especially at p. 220.

should remain. The jurors say that in truth the aforesaid Robert de Columbariis demised the whole of his manor of Lamyeton' to the aforesaid Geoffry and one Walter the chamberlain (*Waltero Camerario*) to farm, so that each of them should have an equal part; and the aforesaid Walter died, so that after the death of Walter the aforesaid Robert came and put himself in seisin of the aforesaid manor until he should know who ought to have the part of the defunct, and he offered the aforesaid Geoffry his part, to wit, a moiety of the aforesaid manor, to hold until the end of [his] term, and Geoffry would not, but came with all the aforesaid [disseisors], and many others, with horses, and arms, and edged weapons, to wit, coats of leather, hauberks, and other things (*armis molutis scil' loricis et haubguys, et aliis*)[1] and ejected him from the whole of the aforesaid moiety of the manor. Wherefore they say positively that they disseised him, as the writ says. Therefore it is considered that Robert should recover his seisin in the aforesaid manor, and Geoffry and the others are in mercy. And let them be committed to gaol. The sheriff must answer for all. Afterwards Geoffry de Brideport comes and makes a fine for the disseisin and other transgressions of £100 by the pledges of Robert de Gurnay, William Branch', Robert de Sancta Barba, Ralph de Suleny, Henry de Carevill', Robert de Bagdripp', Eustace de Banlon', Robert de Cuntevill', William de Luveny, Thomas Trivet, William Buche, Ralph . . . theyn, William de Radene, Ralph de Ferers, William Marescall' of la Lade, John Gervas', Walter Gervas'. . . . It is covenanted between them, Geoffry and Robert, that the aforesaid Geoffry should release to the same Robert all the right and claim which he had in the . . . manor of Lamieton for 38 marks, given to him to be paid one half at Easter in the 27th year and . . . at the feast of Michaelmas next following the other half, and lest he should [fail] to do this, he granted, etc.[2] And be it known that the same Geoffry will acquit him of all debts and disputes which they seek to raise against him, whether by executors or others

[1] "*Armis molutis*" I take to mean weapons of edge and point, as distinguished from clubs, sticks, or stones (see Bract., fo. 137). *Lorica* may mean a leather coat in this context. It often is used to signify a coat of mail, a hauberk, which latter is described in Ducange Gloss. (*vide* "Halsberga") as "*lorica maculis contexta.*" The word "*molutis*" would appear to apply to "the other things" in the passage under consideration. See further, No. 1001.

[2] No doubt a power of distress over his lands, etc.

(*per executores vel alios*) touching the aforesaid manor up to this day.

570. Agnes de Mulers puts in her place Walter Oliver against Ralph de Montesorel on a plea of assize of novel disseisin, etc.

571. Rosamund de Meleslegh' puts in her place Nicholas de Cuntevill' against Henry Malh[er]be on a plea of novel disseisin.

Memb. 6d.

572. Ivo de Heynton', Adam de Bledenay, William le Hert, Hugh Rode, Walter Sprakeling, Richard Young (*juvenis*), William de Buneweye, John Paple, Richard Frankelayn', Walter le Hert, William Brito, John le Hertur, Henry de Rupell, Richard le Hert, William de Wyne, Richard Rocy, Edgar de Jerdel, William King, William Blund', Adam Thorne, Ivo Wody, William de Fonte, Richard son of Ralph, Richard le Mazun, Adam the reeve, William Spiring, Elyas de la Worth', Margery de la Worthe, William de Aqua, Adam de Monasterio, Herbert de Weky, Walter le Buk, Roger le Fevere, Robert Crutok', Henry Stakeling', Geoffry de Burecote, Walter de Burekote, Richard de Burekote, Simon de Heynton, Richard Chelfing, and Osbert Lude were attached to answer the Abbot of Glaston' on a plea why by force and arms they entered (*vi et armis intraverunt*) the marsh of Godevere and Bledeneye[1] of the Abbot and threw down and rooted up the trees of the Abbot found in the same marsh, and caused him other damage without licence of the Abbot, and against the peace, etc., and wherein, by his attorney, he complains that all the aforesaid men came in the aforesaid manner on Wednesday in the week of Pentecost after dinner, a year ago, and threw down about four score trees and carried them off; and afterwards, on Monday next after the feast of Saint Barnabas in the same year, all the aforesaid men came into the same marsh and threw down and rooted up [trees for] one hundred and thirteen beams (*cheverones*)[2] and carried them off without the licence of the Abbot, and against the peace, etc., whereby the Abbot suffered damage to the value 100 marks, and thereof he produces sufficient suit. And Ivo and all the others come by

[1] Perhaps Bleadney in Wookey.

[2] This probably means beams or timbers for the bridges. The word signifies rafters also. Hence the heraldic use of the word.

their attorney and defend the force, injury, and whatsoever is against the peace of our lord the King, the damages and everything, and they say that in truth they had common in the aforesaid marsh for their cattle, and to collect their fuel (*focalium*) from the sedge (*leche*),[1] which grows in the same marsh ; and when the bridges are broken they ought to have branches from the trees growing in the aforesaid marsh to repair their bridges, and that they have not thrown down, nor carried away, nor rooted up trees belonging to the Abbot as he charges upon them, nor in any other manner than they ought and have been accustomed to do for the repair of their bridges, [and that] they have taken [trees] from the aforesaid wood as is alleged they fully defend against the Abbot and his suit. And the Abbot, by his attorney, comes and fully concedes that the said men have common in the aforesaid marsh for their cattle, but not to collect sedge (*lecham*) for their fires, nor that by right could they carry away anything therefrom, and that they threw down and carried off the said trees as is aforesaid he offers sufficient suit, as above. And because the aforesaid Ivo and the others fully defend against the Abbot and his suit, it is considered that any one of them should wage his law to the twelfth hand[2] and come with his law before the justices when they shall come in that part of Somerset. Pledges for the law : Henry de Cerum and Henry de Pakering. Afterwards the Abbot comes and releases their law. Therefore Ivo and all the others [may go] without a day, and to judgment with the Abbot.

573. The Abbot of Kaynesham gives ½ mark for a licence to agree[3] with Henry son of Reginald on a plea of land, etc.

574. Robert de Gurnay confesses that he owes Henry de Gant £10 6*s*. which he should repay at Easter in the 27th year

[1] *Lethe* or *leche :* See Ducange, " Gloss.," tit. *Lescheria.*

[2] Whether there were to be twelve compurgators or whether the party was to be helped by eleven only is not clear. According to Dr. Brunner (" Deutsche Rechtsgeschichte," ii, 384), the question must be answered sometimes one way and sometimes the other. The inclusive reckoning seems to be the older, but in London during the thirteenth century the other reckoning prevailed. (Pollock and Maitland, " Hist. Eng. Law," ii, p. 598, note.) In the last reported case of compurgation the court declined to say how many helpers the defendant should produce. The defendant must bring such number as he might be advised ; and if the plaintiff objected, the court would hear argument on both sides. The defendant brought eleven, but the plaintiff did not proceed further. (*King* v. *Williams* in 1824, reported in 2 B. and C. 538.)

[3] See " Somerset Fines," p. 122, No. 87. The matter of the suit was half a hide of land in " Henton."

of King Henry, son of King John; and if he should not do [this], he grants that he may be distrained by [his] lands, etc.

575. William Russel, who brought an assize of novel disseisin against James de Orchyard', and Estinera (?) his daughter (?), touching a tenement in Orchyard, does not proceed. Therefore he and his pledge to prosecute, namely, William son of William, are in mercy.[1]

576. The assize comes to recognise whether William de Bonevill' unjustly, etc., disseised Robert de la Linde of his free tenement in Dimington,[2] since the first, etc., and wherein it is complained that he disseised him of half an acre of land with the appurtenances. And William comes and says nothing wherefor the assize should remain. The jury say that the aforesaid William did disseise the aforesaid Robert of the said half acre, as the writ says. Therefore it is considered that Robert should recover his seisin, and William is in mercy by pledge. He made fine for ½ mark by pledge of Ralph de Montesorell'. Damages, *2s.*

577. The assize comes to recognise whether Lucy Malet and Walter Hamelin unjustly, etc., disseised Adam le Gras of his free tenement in Dunestor' and Wydikumb',[3] since the first crossing, etc., and wherein it is complained that they disseised him of one messuage and two acres of land with the appurtenances. And Lucy comes and alleges nothing wherefor the assize should remain, except nevertheless that she says that he never was seised thereof, because a certain Elias the priest was seised and held it all his life, and died without an heir because he was a bastard; and the land and the messuage, after the death of Elyas, ought to revert to her as chief lady [of the fee], and thereon she puts herself upon the assize. The jury say that the aforesaid Elyas held the said messuage and land, and died seised thereof, so that the aforesaid Adam never was in seisin thereof. Wherefore they say positively that they did not disseise him. Therefore it is considered that Lucy [may go] without a day, and Adam is in mercy. He is a pauper, and has nothing.

578. Robert le Burgeys, who brought an assize of novel disseisin against Elyas, parson of Horbloweton,[4] and Juliana his mother touching a free tenement in the same vill, does not proceed. Therefore he and his pledges to prosecute, namely, William

[1] In the margin is a note "*vacat. error.*"
[2] Dinnington.
[3] Dunster and Withycombe.
[4] Hornblotton.

Coling of Horbloweton and Adam Blund of Pylton, are in mercy.

579. Adam son of William, who brought an assize of mort d'ancestor against Margery Fitz Payn concerning one messuage, five acres of land, and one acre of meadow, with the appurtenances, in Schipelcary,[1] does not proceed. Therefore he and his pledges to prosecute, namely, William de Worthy and Nicholas de Bosco, are in mercy.

580. Peter de Bere, who brought an assize of novel disseisin against Ralph son of Bernard concerning a tenement in Henebir', does not proceed. Therefore he, Peter, and his pledges, namely, William son of Adam de Ber' and John de Pillok [are in mercy]. He made fine for 1 mark for himself and his pledges by pledge of Roger de Cheselade and Hugh de Pophill'.

581. Idonea wife of Roger de Whyttokesmede puts in her place Roger her husband against Thomas de la Lude and Amice his wife on a plea of covenant, etc., and against Ralph Cole on a plea of land, etc.

582. Amice sister of her, Idonea, puts in her place Thomas her husband against Roger de Whyttokesmede and Idonea his wife on a plea of covenant, etc.

583. Sara wife of Stephen Michel puts in her place Stephen her husband against William de Gunne and Christiana his wife and against William de Insula on pleas of land.

Memb. 7.

584. Clarice daughter of Richard son of Ernisius, who brought a writ of mort d'ancestor concerning one hide of land with the appurtenances in Stok' against William de Monteacuto, does not proceed. Therefore she and her pledge, Henry Arthur of Melleburn', [are] nevertheless [in mercy], although the other pledge has died. And William may go without a day.

585. Robert de Bosco, Michael de Berton, John de Bonevill, Faremus de Bolon', four knights sent to Edith, wife of William de Haveberg', who essoins herself *de malo lecti* against William de Donemere, at Haveberg', come and testify that she is sick in bed, and that they saw her on the vigil of SS. Fabian and Sebastian,[2] and that they gave her a day in one year from the day of view of her, at the Tower of London.

[1] Probably Cary Fitzpayne in Charlton Makerel.
[2] The day of these Saints was the 20th January.

586. Iseult, formerly the wife of Herbert le Mazon, who brought an assize of novel disseisin concerning her free tenement in Wotton' and Glaston' against Gilbert Gymel, does not proceed. Therefore she and her pledge, Adam de Grindeham, are nevertheless in mercy, although the other pledge has died.

587. William de Paris, sworn, William Abauk, sworn, John de Reynny, sworn, Roges son of Simon, sworn, four knights summoned to elect twelve to make a recognition of grand assize between Michael, Abbot of Glaston', querent, and Ernisius de Dunheved, tenant of four messuages, three ferlings of land, and fifteen acres of wood, with the appurtenances, in Melles, touching which the same Ernisius, who is tenant, has put himself upon the Grand Assize of our lord the King, and craves a recognition as to which of them has the greater right to the aforesaid messuages, land, and wood, come and elect these, namely, Ralph de Soleny, sworn, Geoffry de Laurton', sworn, William Branche, sworn, Robert Fitz Payn, sworn, William de Godemaneston,[1] Robert de Baggetripe, sworn, Simon de Ralegh, sworn, Hugh Fichet, sworn, Joceus de Baiocis, sworn, Geoffry de Dinham,[1] Ralph de Meryet, sworn, Nicholas de Meriet,[1] Ralph de Fisurs, sworn, Geoffry de Chauton, sworn, Henry de Waddon, sworn, William de Grimham[1]; and Ernisius offers 1 mark to have mention of the time of King Henry, grandfather, etc.[2] Afterwards they are agreed. And Ernisius gives 5 marks for a licence to agree by pledge of Robert de Blakeford' and Bartholomew de Hewnebergh'. A day is given them on Saturday.

588. The assize comes to recognise whether Walter Chandel, uncle of Walter le Frankelain, was seised in his demesne, etc., of one ferling of land with the appurtenances in Mudiford' on the day on which, etc., and whether, etc., which land Dyonisia de Oterhampton' holds, who comes by her attorney and says that she holds that land in dower as that which she took of the heir of Henry de Wodeford her husband. And she vouched to

[1] These names have a small cross over them instead of *Jur.*, as in the case of the others. It evidently signifies that the knights whose names were so marked were not sworn, and probably were not present.

[2] The operation of a writ of right was limited within a certain time. At this date a party could not go back beyond the time of Henry II. "*Et unde cum quis post talem errorem inde se posuerit in magnum assisam dat aliquando tenens de suo pro habenda mentione de tempore.*" (Bract., fo. 373.) See also note to No. 510. The fine which the Abbot and Ernisius agreed to make is stated in "Somerset Fines," p. 122, No. 86. Ernisius is there said to have been vouched to warranty by Nicholas de Dunheved, and the area of the wood is given as 11 acres.

warranty Scholastica, sister and heir of the aforesaid Henry. Let her have her on the next coming of the justices into the county of Dorset.[1]

589. The assize comes to recognise whether John, Dean of Welles, unjustly, etc. disseised Mabel Kyte of her free tenement in Bydesham,[2] since the first crossing, etc., and wherein it is complained that he disseised her of sixteen acres of land with the appurtenances. And the Dean comes by his bailiff and says that the assize ought not to be made, because Stephen, the father of Mabel, gave the aforesaid land a long time before his death, so that she, Mabel, never was seised thereof, and thereon he puts himself upon the assize. And Philip Corbyn and Henry Corbyn, two recognitors, are in mercy because they do not come. The jurors say that the Dean did not disseise her of any free tenement, because she was never seised thereof. Therefore it is considered that the Dean [may go] without a day, and Mabel is in mercy. She is a pauper.

590. The Prior of Saint Swythun of Wynton, who brought a writ whether he and his predecessors were wont to common with their cattle at Bledon and at Schiplade, which is member of Bledon, on the land of Adam le Waleys belonging to the manor of Hocton[3] and on the land of the same Adam at Hillesbergh', which is member of Hocton, as the same Adam says; or whether [neither] the aforesaid Prior nor his predecessors ever commoned there, nor at any time were accustomed to common there, as the same Prior says,[4] comes by his attorney and will not sue. Therefore the Prior is in mercy. Inquire as to the names of his pledges, because we had not the original writ.

591. William son of Roger, who brought a writ of mort d'ancestor concerning half a virgate of land with the appurtenances, in Hunton, against Philip Talebot, does not proceed. Therefore he, William, and his pledges, namely, Robert Mariscallus of Haminton' and John Linoys of the same, [are in mercy].

592. Thomas de Cyrnecestr'[5] and Aubrey his wife were

[1] Marginal note "*Dors'*." [2] Biddesham. [3] Hutton.

[4] This must be a mistake for Adam. It would seem that the names of the Prior and Adam ought to be transposed in respect of the two contrary allegations.

[5] In 21 Hen. III., one Thomas de Cyrencestria was defendant to a claim by Richard, Earl of Cornwall, as guardian of Baldwin, nephew of William de Rivers, Earl of Devon, to the advowson of Trowlegha or Throwleigh. (See Bracton's "Note Book," edited by Prof. Maitland, pl. 1172.)

summoned to answer Robert son of John and Robert son of Godfrey on a plea why they deforced the aforesaid Robert and Robert of the reasonable part which fell to them of the inheritance which was of Roger del Ausnay, kinsman of the said Robert and Robert, and uncle of her, Aubrey, in Cherleton'[1] Kamill', whose heirs they are and who lately died, as it is said. And wherein it is alleged that the aforesaid Thomas deforced them of a fourth part of two virgates of land and a fourth part of two parts of one virgate of land with the appurtenances. And Thomas and Aubrey, by the attorney of Aubrey, come and defend their right now, etc., and say that they ought not to answer them on this writ, because the aforesaid Roger del Ausnay had a certain elder brother, Jordan by name, the father of Aubrey, and they say that she, Aubrey, is nearer heir of him, Roger, than the aforesaid Robert and Robert, who claim for the reason that they are issue of sisters of Roger; and albeit that they say that the said land ought not to pass[2] to her, Aubrey, for that she cannot be lady and heir (*domina et heres*),[3] she, Aubrey,

[1] Charleton Horethorne.

[2] *reverti* is the word used, but to revert is scarcely the technical word to employ now.

[3] This refers to the curious rule "*nemo potest esse dominus et heres*," which in Glanvill's time (Bk. vij. c. 1) and later gave rise to questions which taxed the wisdom of the most learned lawyers. For example, a father, O, with three sons, A, B, and C, of whom A is the eldest, enfeoffs B, and B dies without issue, the others surviving, who is to inherit—O, A, or C? If O claims, A will say, "As lord you cannot be heir," and C in his turn may say that the like objection will apply to A on the death of his father, O. Glanvill seems to have thought that O could not inherit; that A might, but would have to give up the land to C on O's death, and his own consequent succession to the lordship. Again, suppose that on O's death A has a son, X. Now that A has become lord, must he give up the land to C, or to his own son, X? (This illustration is put in Pollock and Maitland, "Hist. of English Law," ii, p. 288). The case in our roll seems to answer this question: Aubrey's daughter is preferred to the issue of the sisters of Roger del Ausnay. But this rule was not to be applied unless homage had been taken for the land. "*Sed quoniam homagium non evanescit nec extinguitur cum sint alii heredes cognati vel fratres nec primogenitus propter homagium poterit esse heres et dominus cum homagium expellat dominicum et retineat servitium terra sic data remanere non poterit cum donatore si sit heres ei proximus qui petat si autem nullus sit omnino, vel nullus qui petat terra cum tali feoffatore remanebit*" (Bract., fo. 24; see also fo. 65b, and fo. 277). What was the origin of the rule? The learned authors of the "History of English Law" (p. 290) discuss several theories, and prefer to regard it as the result of "a struggle against the effects of primogeniture." The land which has been carved out of the paternal estate for the benefit of a younger son ought not to go back to the firstborn, so long as there is a younger son. In Bracton's time it seems to have been common; when a father enfeoffed his younger son not to take his homage (see Bract., fo. 277). The rule is, however, very ancient history now. It became obsolete when the statute of 1290 abolished subinfeudation.

has a certain daughter, Cassandra by name, to whom the said land ought to pass. And Robert and Robert do not offer to contradict this. Therefore it is considered that Thomas and Aubrey [may go] without a day, and Robert and Robert are in mercy. Let them be in custody.[1]

593. The assize comes to recognise whether Geoffry de Barinton', father of John, was seised in his demesne, etc., of one hundred acres of land with the appurtenances, in Cristesham, on the day, etc., and whether, etc., which land William de Mohun holds, who does not come, and he was resummoned. Therefore let the assize proceed against him in default. The jurors say that the aforesaid Geoffry died seised of the said one hundred acres of land, with the appurtenances, as of fee, and that he, John, was seised of the said land after the death of Geoffry, and that he sold it to one William le Tort. Therefore it is considered that John should take nothing by that assize, and should be in mercy for his false claim. He is a pauper.

594. The assize comes to recognise whether Hugh Randevin, uncle of Peter son of Walter, was seised in his demesne etc., of two messuages and two acres of land with the appurtenances, in Dunestar', which land and which messuages Alpesia, who was the wife of Hugh Randevin, holds, who does not come and she was resummoned. Therefore let the assize proceed against her in default. The jurors say that the aforesaid Hugh Randevin died seised of the said messuages and land as of fee and since the time,[2] and that the said Peter is his next heir Therefore it is considered that Peter should recover his seisin, and Alphesia is in mercy.

595. Jordan son of David de Harpeford', who brought a writ against William de Hamme concerning the diversion of a certain water course in Langeford' to the injury of his free tenement in the same vill, came and withdrew himself. Therefore he and his pledges to prosecute are in mercy. He made fine for himself and his pledges for 1 mark by pledge of him, William. Afterwards the said William comes and confesses that he diverted the said water course, and therefore the sheriff is notified that the water [course] should be as it ought and was wont to be. And afterwards the same J——[3]

[1] "c^{9}," that is *custodiantur*, in the margin.
[2] Of limitation.
[3] Here the entry ends abruptly.

Memb. 7d.

596. Hugh Wambestrong' seeks against Richard le Teyntrer[1] one messuage with the appurtenances in the suburb of Bristoll' as his right, etc., and whereof a certain Belesor, aunt[2] (*amica*) of Hugh, was seised as of fee and in right in the time King John, taking therefrom profits to the value of ½ mark. And from her, Belesor, the right in that land descended to one Thomas as brother and heir, and from him, Thomas, Hugh had [it], who now claims as son and heir, and that such is his right he offers, etc. And Richard comes and defends his right now, etc., and the seisin of the aforesaid Belesor, and says that he ought not to answer him on this writ because he does not hold the entirety of that messuage, for a certain Thomas Long (*Longus*) holds thereof eight feet of land. Afterwards Richard comes and vouches to warranty the Prior of the Hospital of St. John of Radeclive, who is present, and warrants him, and defends his [Hugh's] right and the seisin of the aforesaid Belesor, and everything, etc., and puts himself upon a jury of the vill of Radeclive, whether he have the greater right to hold that messuage, as of the gift of one Hugh le Drave, ancestor of him, Hugh Wambestrong, or whether the same Hugh should have it in demesne, and the same Hugh [does] likewise. Afterwards they are agreed by leave and the Prior gives ½ mark for the licence to agree.[3]

597. John de Alra gives 1 mark for a licence to agree with Eva de Churnlegh' on a plea of land, by pledge of Simon Gyain of Northkury.

598. The assize comes to recognise whether Hugh de la Watere unjustly, etc., disseised Henry de la Watere of his free tenement in Crokerepill', since the first crossing, etc., and whereon it is complained that he disseised him of one messuage and of half a virgate of land with the appurtenances. And Hugh does not come, and he was attached by Richard Koyterel and William de Wellesl'. Therefore they are in mercy. And let the assize proceed against him by default. The jurors say that the aforesaid Hugh did not disseise the aforesaid Henry of any free tenement in Crokkerpill', for Henry never had any free tenement in that vill. Therefore it is considered that Hugh [may go] without a

[1] Teinturier = dyer.
[2] See *ante*, note to No. 456.
[3] "Somerset Fines," p. 114, No. 56.

day, and Henry is in mercy for his false claim by pledge of Geoffry Vassal.[1] Let him be in custody.[2]

599. The assize comes to recognise whether Ralph de Montesorell' unjustly, etc., raised a certain dyke in Wythlaketon'[3] to the injury of the free tenement of Agnes de Millers in the same vill within the summons of the eyre, etc.[4] And Ralph comes and says that he has raised no dyke to the injury of the free tenement, etc., and thereon he puts himself upon the assize. The jurors say that the aforesaid Ralph did raise a certain part of the dyke to the injury, etc., as the writ says. Therefore it is considered that such part should be thrown down at the cost of Ralph and by view of the jurors, and that he should be in mercy for the disseisin by the pledges of John Sarazin and William de Bonevill'. But they say that as to a certain part of the said dyke he did not disseise her within the summons, etc., for he raised the dyke before the summons was made. Therefore Ralph [may go] without a day, and Agnes is in mercy. Damages, *6d.*

600. The assize comes to recognise whether Richard le Frankelayn unjustly, etc., disseised John le Frankelain of his free tenement in Weleheton', since the first crossing, etc., and whereon it is complained that he disseised him of half a virgate of land with the appurtenances. And Richard comes and alleges nothing wherefor the assize should remain. The jurors say that the aforesaid Richard did disseise the aforesaid John of the land, as the writ says. Therefore it is considered that John should recover his seisin by view of the jurors, and Richard is in mercy by pledge of Geoffry de la Wyke and Humphrey of the same and John de Stanton'. Damages, 1 mark.

601. Amice, formerly the wife of Humphrey Michel, seeks

[1] Notwithstanding that Henry found a pledge, he appears to have been ordered into custody, for in the margin appears "c^{9}." No doubt the statement as to the pledge was added later.

[2] In the margin.

[3] White Lackington.

[4] Written in full this phrase would run—"*infra summonitionem itineris justiciariorum.*" In the case of a disseisin, while the justices were on their eyre, they had power to issue a writ on the application of the party disseised, and it was not necessary to resort to the King's chancery. But in such case it was necessary to state carefully whether the disseisin had been made during the eyre, or whether partly before and partly during the eyre, in order that the writ might agree with the complaint (Bract., fo. 236). But it appears from the record of this case that if the disseisin was in part before the eyre was summoned, such part could not form the subject of relief upon a writ issued by the justices. Here Agnes recovers damages as to part of the injury; for the other part she is wrong in her procedure, and is amerced.

against Geoffry de Langeleg' one-third part of one virgate of land with the appurtenances, in Merlince, as her dower, etc. And Geoffry comes and vouches to warranty Reginald son of Humphrey, who is present, and warrants him, and says that he will willingly give her her dower. Therefore it is considered that Geoffry may hold in peace, and that Amice should have land of Reginald to the value of the said third part.

602. Sabina daughter of Richard Revel was attached to answer William de Oly on a plea that she should observe towards him the fine[1] made in the court of our lord the King which now is between Richard Doyly, father of the said William, whose heir, etc. [querent], and herself, impedient of one hide and half a virgate and three acres of land with the appurtenances, in Hambrug', whereof the chirograph, etc.; and whereon it is complained that while she ought to warrant the aforesaid land, with the appurtenances, against all men by the service of one pair of gilt spurs or *6d.* and one pound of pepper for all services, except forensic service, etc., she, contrary to the same fine, distrains him to do suit at her court every three weeks, whereby he is injured and has suffered damage to the value of *60s.*, and thereof he produces suit, etc. And Sabina comes and says that she fully admits the chirograph and whatever is contained in it, and that she in no wise comes to contradict it; but she says that she seeks nothing against him except that he should do suit in her court as he ought and is wont to do, to wit, when the writ of our lord the King is pleaded in the same court, or a thief is there to be judged. And Sabina puts in her place Robert de Dillington. Afterwards they are agreed by leave, and the agreement[2] is such that the aforesaid Sabina releases to William the aforesaid suit in every three weeks, and that for the rest he should do suit at the said court only when the writ of our lord the King should be pleaded there or a thief should be there to be judged. And that William's villeins should do suit on two law-days (*lahedayes*) in the year.

603. The sheriff was ordered that he should cause the cattle of Henry de Gant, which Margaret de Sumery took and unjustly detains, etc., to be replevied to him; and touching which it is

[1] See "Somerset Fines," p. 46, No. 61 (8 Hen. III). Sabina is there described as wife of Henry del Ortyay. Richard is called "de Oilly." The land is that "which William de Mariscis, Robert de la Hull, and Wakeline de Mariscis held there."

[2] I do not find a record of this in "Somerset Fines."

complained that she took thirteen oxen, etc., and that by the taking and detention he is injured, and has suffered damage to the value of 60*s.* And Margery, by her attorney, comes and defends that [she took] any cattle of Henry unjustly; but she says that the same Henry holds certain land of her in Stokland' which owes 16*d.* a year at the sheriff's tourn, and which rent was in arrear for four years last past, and thereof she produces suit, etc. And Henry comes and defends against her and her suit, and fully defends that he does not[1] owe her for the aforesaid tenement 16*d.* by the year, nor even did that service to her, nor that she was ever in seisin of that service after the same Henry was seised of the said tenement, and this he offers to defend against her as the court shall consider. And Margaret, by her attorney, comes and says that the said tenement in Stokland' is of her fee, and that it owes by the year 16*d.* as is aforesaid, and she says that she was in seisin of the said rent of 16*d.* payable at the sheriff's tourn. Afterwards it is shown clearly that the said Henry does not hold the said tenement of the said Margaret, but of one Andrew Luterel and his heirs. Therefore it is considered that Margaret should not distrain the said Henry for the said 16*d.*, and should be in mercy for her unjust vexation (*injusta vexacione*), and let her satisfy his damages. 2 marks.[2]

Memb. 8.

604. The assize comes to recognise whether Henry hundredman, Richard the serjeant, John son of Christiana, John Bus, Walter Cole, Walter Pilk, Walter le Franceis, Ralph Policon, William Gyan, Hugh de Curilad', John le Vel, William Triche, Walter de Boscho, Roger Arthur, Henry Edwin, Henry the serjeant, Matthew Scute, Thomas the horn maker (*le corneysier*),[3] Robert Rugge, William Rugge, Walter Blund (*le Blund*), Richard Erbier, John de la Lane, Walter del Perier, Jordan Coppe, Robert Nigel, Adam de Myriden, Richard le Child, Philip de Myridun, Richard Curiot, William Pode, Simon le Sunnal', Walter the fisherman (*le pescur*), Nicholas Swift, Nigell' Knyt, Henry de la Fenne, Robert de Mere, Henry de Mere, Stephen Chinne, Reginald the weaver (*le telier*),[4] Richard

[1] This and the following negatives in this plea would seem to be redundant.
[2] In the margin.
[3] "Corneser, maker of horns": Kelham; or perhaps, corveysier, the cordwainer.
[4] Ducange, "Gloss." Kelham has "Tele, a web."

Edde, Robert Edde, Gilbert Roie, John de Hinelande, Walter his son, Thomas Russel, John Alward, Robert Alward, Richard Coterel, Sprigand' de Hinelande, Richard de Insula, Richard son of Thomas, Nicholas de Ciriland, Peter de Callak', Nicholas Burewald', Walter de Slou, John de Chernelegh', Gilbert de Bungwayn, John the miller (*le mudner*),[1] Robert Borilot, Edward the miller (*le mudiner*),[1] John the hayward, Henry Curteis, Adam Curteiys, Philip le Ivenne, Richard Britel, Robert Esgod, Robert Champeneis, Roger Buriwald, John the tailor (*le parmentier*), Robert del Perier, Robert de Pilewell', Robert Baldewin', Thomas Bonswayn, Reginald Barat, Philip de Boscho, Walter Chapman, Robert the serjeant, Walter de Porta, William Pik', Robert de Litstoke, Richard Belfrere, John Durand, Walter the palmer (*le paumer*), Robert de Mere, Osbert his brother, Roger de Mere, Osbert the serjeant, Stephen his brother, Walter de Mere, John de Mere, Robert Pode, William Smethe, Ranulph the Cornishman (*Cornwaleis*), William Merk, Arnald Merk, Walter Pode, Roger Tune, Walter de la Breche, John son of Walter, Richard le Puhier, William le Puher, Arnad' Coterel, Richard Merch, John son of Robert, John son of Richard, William de Ruy, unjustly, etc., disseised Lucy Malet of her free tenement in Enappe, since the first crossing, etc., and whereon it is complained that they disseised her of forty acres of meadow, for when she had inclosed the meadow with a certain dyke and had there planted willows and other trees, and anciently there was there an alder-wood, all the aforesaid came and took her hay, and that of her men, and cast it upon the dyke (*et projecerunt in fossata illa*), and afterwards threw down (*fossatam illam prostraverunt*) that dyke, and carried off a certain other part (*et quandam aliam partem asportaverunt*), and cut down all the trees, and thereon she puts herself upon the assize. And Henry the hundredman and all the others come, except William Trich, Robert Dorilot, Ranulph the Cornishman (*le Cornwaleis*), Arnold Coterel, and John son of Richard, and say that the assize ought not to be made, because they say they claim nothing in that meadow except common on any day of the year, and thereon they put themselves upon the assize. And Robert Dorilot was attached by Henry Curteis and Adam Curteis, and Ranulph the Cornishman was attached by William

[1] I take this to mean miller: "Moudre" signifies to grind (Kelham and Ducange). See also under "Molinier," Ducange.

le Merch, [and] Arnold de Merch and Arnold Coterel was attached by William le Puher and Richard de Merch, and John son of Richard was attached by Arnold Inthetune of Westhache and Richard le Puher. Therefore they are in mercy. The jurors say that the aforesaid Henry the hundredman and all the others did disseise the aforesaid Lucy of the said meadow, as the writ says. Therefore it is considered that Lucy should recover her seisin by view of the recognitors, and Henry and all the others are in mercy. And let the dyke be repaired at the cost of all the aforesaid disseisors. Damages, 3 marks.

605. Nicholas,[1] Abbot of Glaston', seeks against Stephen the chamberlain (*camerarius*), one messuage and one mill and one ferling of land with the appurtenances, in Wryngton, as the right of his church, and in which the said Stephen has no entry unless through William, formerly Abbot, etc., who demised them to him without the assent of his chapter. And Stephen comes and gives up to him [the Abbot] the said messuage, mill, and land, and let him be amerced because he did not give [them] up before. He made fine for 1 mark by pledge of William de Estur'.

606. The assize comes to recognise whether Michael Knoel, father of Matilda, was seised in his demesne, etc., of one virgate of land with the appurtenances, in Westludeford', on the day on which, etc., and whether, etc., which land John de Bonevill' holds, who comes and alleges nothing wherefor the assize should remain, except that he [Michael], seven years before his death, gave up the said land to the aforesaid John. The jurors say that the said Michael was not seised of the land, with the appurtenances, on the day on which he died, because four years before his death he gave up the same to the said John because he was not able to perform the service due therefor. Therefore it is considered that John [may go] without a day, and Matilda is in mercy. She is a pauper. Let her recover by writ of right if she wishes [*perquirat sibi per breve de recto si voluerit*].

607. The assize comes to recognise whether Henry de Holecumb' unjustly, etc., disseised William de Erdinton' of his free tenement in Kynemerdon' within the summons of the eyre, etc., and whereon it is complained that he disseised him of two messuages and ten acres of land. And Henry does

[1] This name is written over the word "Abbot."

not come, and he was attached by William de Welleslegh' and Nicholas de Nodariis. Therefore they are in mercy. And let the assize proceed against him in default. Afterwards Henry comes and alleges nothing wherefor the assize should remain. The jurors say that the aforesaid Henry did disseise William of the said messuage and land, as the writ says. Therefore it is considered that William should recover his seisin, and Henry is in mercy. He made fine for 1 mark by pledge of the said William. Damages, 12*d.*

608. The assize comes to recognise whether Adam de Aston unjustly, etc., raised a certain dyke in Aston to the injury of the free tenement of Robert de Chandos and Amabel his wife in the same vill, since the first crossing, etc., and whereon it is complained that by reason of that dyke he [Robert] is impeded in his way to a certain spring and in the repairing of his own dyke, and that he is not able to have common of herbage in a certain place where he was always accustomed to common and which Adam has inclosed by the said dyke. And Adam comes and says that he has raised no dyke to the injury, etc., and thereon he puts himself upon the assize. The jurors say that the aforesaid Adam unjustly, etc., raised the said dyke to the injury, etc., as the writ says, for by reason of that dyke Robert is impeded in that he is not able to repair his own dyke or to have a way to the said spring, and, moreover, they say that the said Robert and other free [tenants] in the same vill were wont to common in the place inclosed by the said dyke. Therefore it is considered that the dyke should be thrown down and should be as it was before, and as it ought and was wont to be. The sheriff is notified. And Adam is in mercy. He made fine for 1 mark by his pledges, Robert de Aldewyk' and Jordan Laware. Damages, 2*s.*

609. Eva de Trascy gives 1 mark for a licence to agree with Fulk FitzWarrenne and William de Plukenay on a plea of suit, etc., by pledge of William himself. And the agreement is such that when the said Fulk and William shall require of the said Eva and her men, as well free as other men, they will do suit at their hundred [court] of Lamburn, all men of sixteen years of age, twice in the year, to wit, at the Feast of St. Martin and at the term of Hokeday and at other hundred [courts] four men and the reeve. Moreover the free tenants of the manor of Esgareston do suit at all hundred [courts] in the year at

Lamb'ne and all others will do their suits at the aforesaid hundred [courts], to wit, four men and the reeve at the two aforesaid terms only, namely at the Feast of St. Martin and at Hokeday.

And for this release (*relaxacione*), etc., Eva grants to Fulk and William 4*s.* sterling in every year, payable at two terms, to wit, at the feast of St. Martin and at Hokeday. And if it shall happen that a writ of our lord the King shall be pleaded in the said court or a thief shall be there to be judged, then all the men of Esgareston shall do suit as they have been accustomed. And be it known that Alan de Farnham, who has a tenement in Esgareston', was present and said that neither he nor his men did, nor ever would do, the aforesaid suit.

610. The assize comes to recognise whether Roesia de Monteacuto, aunt (*amita*) of William the clerk (*le Clerc*), was seised in her demesne, etc., of one messuage, with the appurtenances, in Monteacuto on the day on which, etc., and whether, etc., which messuage Henry the tanner (*le Tanur*) and Siffrida his wife hold, who come and say that the assize ought not to be made because the aforesaid Roesia a long time before her death gave that messuage as a marriage portion to the said Henry with Siffrida his wife and thereon they put themselves upon the assize. The jury say that Roesia was not seised of the said messuage on the day on which she died, and moreover that she was a villein. Therefore it is considered that Henry and Siffrida [may go] without a day and William is in mercy. He is a pauper and he is pardoned because he is a clerk.

611. Roger Bauderun gives ½ mark for a licence to agree with Bona daughter of Matilda on a plea of land, by pledges of Geoffry Maureward' and William de Langeford'.[1]

612. Richard de Gurnay puts in his place Robert his son, against Stephen de Aston on a plea of land.

613. Isabella, wife of Hugh Peverel, puts in her place Oliver Punchard' against Lucy Malet and Richard de Cumbe and Elena his wife on a plea of advowson, etc.

Memb. 8*d.*

614. Ralph le Sauvage of Cherleton' gives 1 mark for a licence [to agree] with Hugh Sanzaver and Emma his wife on a

[1] See "Somerset Fines," p. 122, No. 91. The land is there stated to be "in Yuest."

plea of warranty of charter, etc., by pledge of Andrew de Stratton.[1]

615. Katharine, formerly the wife of William le Theyn, seeks against Henry de Gant half an acre of land with the appurtenances in Aston' as her right and marriage portion, etc., and in which he has no entry unless by William le Theyn, formerly Katharine's husband, who demised it to him, whom she herself, etc.,[2] and thereof she produces suit, etc. And Henry comes and defends her right and such entry, and says that he has no entry by William le Theyn but by one Robert son of Bernard, who gave him the land in pure and perpetual alms, and he proffers Robert's charter which testifies this. And Katharine cannot deny this. Therefore Henry [may go] without a day and Katharine is in mercy. She is a pauper.

616. Robert de Aston was summoned to answer the Prioress of Caniton'[3] on a plea that he should restore a certain stream to its proper course in Caninton', which William de Aston, brother of Robert, whose heir, etc. [he is] unjustly, etc., diverted to the injury of the free tenement of the Prioress in Caniton'. And Robert does not come, but Robert de Aston, son of the said Robert, whom [he put] in his place by four knights sent, etc.,[4] comes and says that he [Robert the father] will willingly restore the said stream to its proper course, etc. Therefore the sheriff is ordered that he should send thither twelve [men] whether knights, etc., to restore, etc., and let them come on Wednesday to testify, etc.[5]

617. John de Kynewardeston' the hayward was summoned to answer the Prior of Bermundes' [concerning] one messuage and eleven acres of land, with the appurtenances in Kynewardeston',[6] in which he [John] has no entry unless by Walter de Ditton', formerly bailiff of the Prior, who demised them to him without the assent and will of the Prior and his Chapter. And John comes and says that he has entry by one [7] by name, formerly chamberlain to the said house of Bermundes', who

[1] "Somerset Fines," p. 121, No. 84, and see *ante* No. 515.

[2] The full rendering of this phrase would be "*cui ipsa in vita sua contradicere non potuit ut dicit*," appropriate words to use in a suit by a widow in respect of lands demised by her husband without her consent (see Bract., fo. 318 and fo. 321b). She may say that in his lifetime she had no will of her own.

[3] Cannington, near Bridgwater.

[4] Robert, the defendant, was evidently kept away from court by sickness.

[5] That the work has been done.

[6] Kilmersdon.

[7] The name is not filled in on the roll.

independently of the Prior demised them to him. Therefore it is considered that the Prior should recover his seisin and John is in mercy. Let him be in custody.

618. Margery de Sumery,[1] by her attorney, seeks against Henry de Gant a third part of the manor of Pulet, with the appurtenances, as her dower, etc. And Henry comes and vouches to warranty Robert de Gurnay[2] by his, Robert's, charter, which he [Henry] proffers, and which witnesses that the same Robert when he was [put] in full seisin and power by our lord the King of all his lands and tenements, gave and granted in free, pure and perpetual alms to God, the Blessed Mary and the Blessed Mark and the Master of the Almonry (*elemosinarie*) in Billeswyk'[3] and his successors in perpetuity for the support of the said Master, the Manor of Puolet[4] with all its appurtenances, etc., and that he and his heirs would warrant the said Manor with its appurtenances to the said Master and his successors in free, pure and perpetual alms against all men. And Robert comes and says that he ought not to warrant the said Manor to him for he [Robert] never was seised thereof, so that he was able to give or sell the manor to any one, and he craves judgment, whether he ought to warrant him while he himself never was seised of the said manor. And Henry says that by the charter which he proffers [Robert] ought to warrant the said manor to him, because, he says, that even if he, Robert, were never seised of the said manor, yet he had the writ of our lord the King to have his seisin, and inasmuch as it is contained in his charter that he and his heirs ought to warrant the said manor, he craves judgment. Afterwards the said Robert comes and warrants Henry and says that she ought not to have dower thereout, because she has more in dower of the land which was of[5] [her husband].

[1] Widow of Ralph de Someri and second wife of Maurice de Gaunt.

[2] See "Somerset Fines," p. 115, No. 61.

[3] This was the church and hospital of the Virgin and St. Mark, otherwise Gaunt's, in Billeswick, in Bristol. What remains of the building is now the Mayor's Chapel on College Green. See "St. Mark's or The Mayor's Chapel," by W. R. Barker, in which the charters of Maurice and Robert de Gaunt are set out. The reference to Robert's charter, taken from Dugdale, "cart. 61 Hen. III., m. 15," must be wrong.

[4] Paulet.

[5] The entry ends here as if the clerk were waiting for the name of Margery's husband to complete his record. Robert means that he ought not to have to find land of his own equivalent to the third part which Margery claimed out of the manor, in respect of which he was obliged to fulfil his warranty, because she had already full dower out of other lands, which formed part of her late husband's estate.

619. Sabina daughter of Richard Revel, seeks against Henry de Cerne half a virgate of land and one messuage with the appurtenances in Lapse, which ought to revert to her as her escheat for that Hugh de Montesorel who held that land and messuage of her, was a bastard and died without an heir. And Henry comes and defends her right, etc., and says that he ought not to answer her on this writ, because he does not hold the entirety of the said land and messuage, but one Lucy, formerly the wife of the said Hugh de Montesorell', holds a third part thereof in dower. Afterwards Sabina comes and seeks a licence to withdraw from her writ, and she has it.

620. Geoffry de Mandevill' was summoned to answer Richard de la Dune the assign of Hugh de Greneford on a plea that he [Geoffry] should observe to Richard the covenant made between the said Hugh and Robert de Mandevill' the father of Geoffry, whose heir, etc., concerning the manor of Hardinton' with its appurtenances. And whereon it is complained that while the aforesaid Robert de Mandevill' conveyed to the said Hugh the whole of his manor of Hardinton', with the advowson of the church of the same vill together with the rents, reliefs, escheats, wardships and all other liberties, appurtenances and customs as well of villein (*rusticis*)[1] as of free tenements and to have to farm to himself or his assigns of the aforesaid Robert and his heirs until the end of nineteen years, the same Geoffry, contrary to the covenant, ejected him, Hugh, from the said manor with its appurtenances, wherefore the same Master Hugh, on account of that ejectment, impleaded the same Geoffry before the justices of our lord the King at Westminster and claimed against him 60*s.* for damages, so that the same Geoffry executed to Hugh a certain charter which witnesses that whereas a dispute had taken place between Geoffry of the one part and the said Hugh of the other concerning certain things carried away, of which the estimate is 60*s.*, and expenses incurred, of which the estimate is 100*s.*, on the occasion of a certain intrusion (*invasionis*) which he Robert, made on the manor of Hardinton' the free farm of the said Hugh and that it was at last agreed between them that the

[1] Sir Edward Coke says ("The Complete Copyholder," Ed. 1673, p. 65), "I admit, and in a manner consent, that amongst the Normans these services which we call rural services, were called villain services, and those men whom we term husbandmen were termed villains." "*Rusticis*" would seem to have that meaning here, but it will not fit in No. 707 or No. 716 as used in connexion with a free tenement.

said Geoffry should pay to the said Hugh 60*s.* for the things carried away and, at the end of the term contained in the chirograph made between the said Robert father of Geoffry and the said Hugh, 100*s.* for the expenses, or that he should extend the term of the said farm of the said Hugh, unless Hugh of his free will should be willing to remit anything of the aforesaid ; and therein he is injured and has [suffered] damage to the value of 100 marks.

And Geoffry comes and defends the force and the injury and everything, and fully admits the chirograph made between Robert his father and the aforesaid Hugh, and his own charter and whatever is contained in them, but he says that in truth Robert first demised the manor to Hugh to farm for the term of ten years and within the term Robert executed a certain charter to Geoffry in which is contained [a provision] that Robert should not demise to any one, nor sell the land during the term, and subsequent to the making of the said charter he extended the term ten[1] years and made with Hugh a chirograph that he should have the said manor for the term of nineteen years, by reason of which Geoffry impleaded Robert his father concerning the manor before S de Segrave and J. de Kaxton upon a writ of covenant and by the consideration of the same court he recovered his seisin of the manor, the said Hugh who was then in seisin not being vouched, and he had a writ to put him in seisin. And that this is so he put himself upon the rolls of the aforesaid Stephen and Jeremy. And Richard comes and says that in truth he Geoffry impleaded Robert his father in the court of our lord the King in respect of the manor not vouching the said Hugh who was in seisin and he deceived the court so that, by reason of such deception, Hugh came and impleaded Geoffry, with the result that he, Geoffry, afterwards executed to him his own charter as is aforesaid. To judgment.[2] Afterwards they are agreed[3] as appears more fully elsewhere in the roll.

Memb. 9.

621. Roger Luvel gives 1 mark for a licence to agree with the Prior of Breuton on a plea of trespass whereon law is waged,

[1] *Quære*, should not this be nine?
[2] "Ad Jud'" in the margin.
[3] See "Somerset Fines," p. 123, No. 94. I do not find the matter referred to elsewhere on the roll.

etc., by pledge of the Prior himself. And the agreement is such that Roger should release to him his law.

622. Idonea de Westwoode gives ½ mark for a licence to agree with Michael son of Reginald de Litlenton on a plea of assize of mort d'ancestor, by pledge of Michael himself.[1]

623. Jordan de Marisco, who brought an assize of novel disseisin against Harald de Glaston' and Walter the Frenchman, concerning a tenement in Cusinton',[2] to wit, a render of half a pound of cumin in the year, came and withdrew himself and made fine for himself and his pledges for ½ mark, by pledge of G. Walter of Cusinton.[3]

624. William the palmer (*Palmerus*), who brought an assize of novel disseisin against Reginald de Moun concerning a tenement in Seymonesford', does not proceed. Therefore he, William, and his pledges, namely Ralph de Fereres and Robert de Wyrecestr', are in mercy.

625. The assize comes to recognise whether Robert son of John, father of Custance, was seised in his demesne, etc., of a rent of 30½*d.*, with the appurtenances in la Fenne on the day on which, etc., and whether, etc., which rent Adam Ivans holds, who came and paid (*reddit*), the rent to Custance. Therefore let Custance have his seisin and Adam is in mercy because he did not pay before, by pledge of Robert de Camera and Hilary de Moncell.

626. The assize comes to recognise whether Ernisius de Dunheved, Nicholas his son, Robert Wolbold, Geoffry de Hewenebergh, Osbert Buffler and Richard the clerk unjustly, etc., disseised Henry de Eckewyk' of his common of pasture in Dunheved[4] which appertains to his free tenement of Worhte, since the first coming, etc. And Ernisius and the others come and allege nothing wherefor the assize should remain, except that they say that the aforesaid Hugh never had nor ought to have any common in the said pasture and thereon they put themselves upon the assize. The jurors say that ——[5] Afterwards Henry came and withdrew himself. Therefore Ernisius and the others [may go] without a day and Hugh and his pledges to

[1] "Somerset Fines," p. 120, No. 82.
[2] Cossington.
[3] See No. 521.
[4] Downhead.
[5] The clerk went too fast. He had prepared for the finding of the jury when the case broke down.

prosecute, namely Richard de Karevill' and Nicholas de Kinmerton are in mercy. [Hugh's] pledge for his amercement, Henry de Ekerwyk'.

627. The jury of twenty-four to convict twelve[1] come to recognise by Henry de Estawell', Hugh Fich,' William de Aston, Adam de Aston, William Fichet, John de Chamflur, William de Tylly, William le Bret, Robert de Burton, Geoffry de Wolmereston', Robert de Coker, Ralph de Gyverny, Adam de Portbyr', Theoric de Burnham, William Everard, Thomas de Kael, Reginald de Sapewyk,' John de Copenor,' Thomas de Cruk,' Ralph Fitz Urse, Thomas Therry, Ralph de Meriet, John de Bonevill, whether Henry de Gant unjustly, etc., disseised Jordan de Alkesey of his common of pasture in Hammes which appertains to his free tenement in Alkeseye, since the first crossing, etc., and whereon the same Henry complains that the jurors of novel disseisin swore falsely (*falsum fecerunt sacramentum*), who [the twenty-four] say upon their oath that Henry did unjustly, etc., disseise Jordan of the said common of pasture, as the writ says. Therefore it is considered that Jordan [may go] without a day. And Henry is in mercy.[2]

628. Thomas de Legh, the chaplain, gives ½ mark for a licence to agree with Geoffry de Lawerton and Amabel his wife on a plea of six acres of land with the appurtenances in Ehforton, and the agreement is such that the aforesaid Geoffry admits that the said six acres with the appurtenances, are the right of the chapel of Ehsforton and gives them up to him [Thomas] in right of the said chapel, quit of him and his heirs for ever. Thomas de Legh's pledge for the ½ mark, Geoffry de Lawerton'.

629. Helewis, formerly the wife of Thomas de Mandevill' gives 1 mark for a licence to agree with Geoffry de Mandevill. And the agreement is such that ——[3]

630. The Abbot of Keynesham gives ½ mark for a licence to agree with John de Thoreny on a plea of land.[4]

631. William de Barry, who brought a writ of warranty of charter against the Abbot of Neth concerning one messuage and one virgate and a half and seventy-four acres of land and

[1] For the finding of the twelve, see No. 487.

[2] Over "Henry" is written "*alibi*," and the name is run through, as is also the "*mia*" in the margin.

[3] The entry ends abruptly thus. I do not find any mention of this in "Somerset Fines."

[4] See "Somerset Fines," p. 113, No. 52.

five acres and a half of meadow with the appurtenances, in Horblaweton'[1] does not proceed. Therefore he and his pledges to prosecute are in mercy. He made fine for 10*s.* by pledge of Thomas de Marisco.

632. William the cook[2] (*Cocus*) seeks against Richard de Draykote one ferling of land with the appurtenances in Drayton' as his right, etc., and in which he [Richard] has no entry unless by William de Draykot', to whom the aforesaid William demised it for a term, etc. And Richard comes and says that he does not hold that land because one John, brother of Richard, holds it as of the feoffment of William de Draycote his father, and William cannot deny this. Therefore Richard [may go] without a day and William is in mercy by pledge of William de Albyniaco of Ivelcestr' and Gerard de Fraxino of Coker.

633. Richard Thurlok' gives 1 mark for a licence to agree with Robert de Tintenhull'[3] on a plea of land by pledge of Nicholas son of Robert de Pyrreton' and John de Valletorto.

634. The Prioress of Bocland gives 1 mark for a licence to agree with the Prioress of Kington' on a plea of debt by pledge of Robert de Shorham. And the agreement is such that the Prioress of Bocland' admits that she owes 17*s.* of annual rent to the Prioress of Kington, whereof half is payable at Michaelmas and the other half at Easter.

635. Roger de Whittokesmede gives ½ mark for a licence to agree with Thomas de la Lude and Amice his wife, on a plea of covenant, etc., by pledge of William de Langeford'.[4]

636. The Prior of Dunstorr' gives ½ mark for a licence to agree[5] with Ralph de Sandhull' on a plea of land by pledge of Geoffry de Ketenour.[6]

637. Ralph Russel puts in his place Nicholas Russell' against (William Scissor *struck out*) the same William on the same.[7]

638. Isabella wife of Ralph Russel puts in her place John le Franceis or William Scissor against William de Capella, on a plea of warranty of charter, etc.

[1] Hornblotton.

[2] Between this and the preceding entry occurs the name, "Ernoldus Huse," without more; no doubt the beginning of an abandoned entry.

[3] "Somerset Fines," p. 118, No. 71. The land was in "Tyntenhull."

[4] See "Somerset Fines,' p. 116, No. 63.

[5] Somerset Fines," p. 122, No. 88. The land was in Dovery, Porlock.

[6] Kitnor or Culbone.

[7] Perhaps this entry ought to have followed the next.

639. Dyonisia de Frome puts in her place Roger de Radene against James de Frome and Cecily his wife, on a plea of land, etc.

640. William Dolling' puts in his place Simon Warner against Amice, formerly the wife of Humphrey Michel, on a plea of dower, etc.

641. Juliana wife of Henry de Bydefaud' puts in her place Henry against Henry de Cheselade and others, on a writ of warranty of charter, etc.

642. Christiana, formerly the wife of Robert de Legh', puts in her place Maurice her son against Peter Ernewy, on a plea of dower, etc.

Memb. 9d.

643. Thomas the clerk of Raden', Adam de Radene, John Gaumbun of Frome, John Sine, Henry Hode of Frome, John Crig', Walter Cosin ——[1]

644. Walter de Foklande and Agnes de Foukland were attached to answer Henry de Summis on a plea why, by force and arms, after summons before the justices in eyre, they ejected him, Henry, from the custody of the lands and heir of one Walter de Fouklande in Fouklande, and whereon it is complained that while Agnes demised to the same Henry the whole of the land which she had in the vill of Fouklande with the aforesaid David her son, to wit, one carucate of land, with the appurtenances, until the full age (*usque ad legitimam etatem*) of David by her charter, which he proffers and which testifies this, the same Walter and Agnes ejected him as is aforesaid, and by that grant he was in seisin of the land for three years after the making of the charter until they ejected him, and that the charter was read in full county [court] in the time of Jordan Oliver, then sheriff, he puts himself upon the record of the county [court]; and that by the said grant of the aforesaid Agnes and the making of her charter, he was in full seisin of the said land, with the appurtenances, for three years after the making [of the charter], he puts himself upon the country and upon the witnesses named in the charter. And Walter and Agnes come, and Agnes defends the force and injury and everything, etc. And she fully defends

[1] This is an incomplete entry.

that never by her charter was that [grant] made nor with her assent, and that such was so, she puts herself upon the record of the county [court]. Afterwards they are agreed by licence, and the agreement is such that Henry shall release to Agnes all the right and claim which he had in the said custody saving to Henry his chattels, whether of crops or animals as of other things, and Agnes may have her seisin.

645. Morice de Legh' gives ½ mark for a licence to agree with Amice, formerly the wife of Hugh de la Bye, on a plea of land by pledge of Thomas Trevet.[1]

646. William Branche gives 1 mark for a licence to agree with James Payn and Cecily his wife, on a plea of land, etc., by pledge of Richard de Wrotham.[2]

647. Dyonisia daughter of Richer' gives ½ mark [for a licence to agree] with James Fitz Payn (*fil Pagani*) and Cecily his wife, on a plea of warranty of charter, by pledge of Roger de Radene.[3]

648. William Portebref gives 1 mark for a licence to agree with James son of William on a plea of land, by pledge of William Branch.[4]

649. Alice, formerly the wife of Thomas Gule, seeks against John Hauekere one-third part of twenty-three acres of land, with the appurtenances, in Stok', as her dower, etc. And John comes and alleges nothing wherefor she ought not to have her dower therein. Therefore it is considered that Alice should recover her seisin, and John is in mercy by pledge of William de Lambrok'. Afterwards it is shown clearly that the said John did not hold that land, but that one Christiana, formerly the wife of Richard de Stokes, [held it]. Therefore it is considered that Alice should take nothing by that writ and that she might proceed against Christiana if she wished.

650. Geoffry de Mandevill' gives 10 marks for a licence to agree with Geoffry de Brideport on a plea of covenant, by pledge of William de Wydeworth' and Robert de Blakeford'.

651. Nicholas son of Roger, and Matthew de Clivendon'

[1] "Somerset Fines," p. 123, No. 93. Hugh de la Bye is there called Alexander." The land was in "Baggeburg."

[2] "Somerset Fines," p. 117, No. 69. The land was in Frome. Joan, wife of illiam, was a party.

[3] "Somerset Fines," p. 112, No. 50. It related to 6 acres in Frome.

[4] "Somer et Fines," p. 112, No. 49. Relating to a messuage and 27 acres of land in Frome.

were summoned to answer Matthew de Columbariis and Matilda his wife, on a plea by what right they claimed common in the land of Matthew and Matilda in Wrokishal', inasmuch as Matthew and Matilda have no common in the land of Nicholas and Matthew, nor do Nicholas and Matthew service to them for which they [Nicholas and Matthew] ought to have common in their land. And Nicholas does not come, etc. Therefore let him be attached against the next coming of the justices into the county of Dorset. And Matthew comes and craves a view. Let him have it. The same day is given them, and let the writ remain with the sheriff.

652. The Prior of Staverdal' gives 1 mark for a licence to agree with Roger Tyrel and Sara his wife on a plea of warranty of charter by pledge of Richard Luvel.[1]

653. Alice, formerly the wife of John Brien, gives ½ mark for a licence to agree with Lucy de Monteacuto on a plea of dower, by pledge of Ralph de Ferrers. And the agreement is such that Alice sought against Lucy a third part of five acres of land and gave up to her the said third part, and Lucy is satisfied (*tenet se contentam*).

654. William son of Robert de Insula gives 1 mark for a licence to agree with Stephen de Perrers and Sara his wife, Robert de Baggedreppe and Sybil his wife, on a plea of land, by pledge of Robert de Baggedripe.[2]

655. William son of Andrew de Cume, gives 1 mark for a licence to agree with the aforesaid Stephen and Sara by pledge of Roger de Barkenoles and Roger de Baggedripe.[3]

656. Cecily, formerly the wife of John de la Stane, seeks against John de Henl' a third part of forty acres of land, with the appurtenances in La Stane, and against Thomas de Marisco, a third part of half a virgate of land, with the appurtenances, in the same vill, as her dower, etc. And John and Thomas come and say that she ought not to have dower because the said John was not, on the day on which he married her, or ever afterwards, seised of the said land so as to be able to dower her therefrom, and thereon they put themselves upon the country. Therefore let there be a jury thereon: Who say upon their oaths that the said John did not hold on the day on which he

[1] "Somerset Fines," p. 114, No. 58, for two virgates of land in "Saldeford."
[2] "Somerset Fines," p. 116, No. 64, for a third part of a hide of land in "Brocton."
[3] "Somerset Fines," p. 114, No. 57, presumably relates to this.

married Cecily, nor ever afterwards, held more than thirteen acres of land, which the said John de la Stane holds. Therefore it is considered that of the same thirteen acres of land she should recover her seisin of a third part. And because it is testified that John often offered her the said third part, let him go quit and Thomas de Marisco likewise.

657. Christiana, formerly the wife of Ralph Harward', who brought a writ of dower against John son of Ralph, does not proceed. Therefore she and her pledges to prosecute, namely Walter Frankelain of Dereberg'[1] and John Marshall (*Mariscallus*) of the same, are in mercy.

658. Avice, formerly the wife of Robert de Cruk, who brought a writ of dower against Nicholas Beynin and Dyonisia his wife, does not proceed. Therefore she and her pledges to prosecute, namely Nicholas de Cruk' and Ralph the Frenchman, are in mercy.

659. Alice de Rodmerton, who brought a writ of covenant against Walter de Loderford concerning five ferlings of land, with the appurtenances, in Fodindon',[2] does not proceed. Therefore she and her pledges to prosecute are in mercy, namely —— She did not find pledges, therefore nothing.[3]

660. Joan, formerly the wife of Richard de Clavemere, who brought a writ of entry against the Abbot of Flexleg' concerning one virgate of land, with the appurtenances, in Ragelbyre, does not proceed. Therefore she and her pledges to prosecute, namely William le Theyn[4] and Simon Billok, are in mercy.

661. Hawise, formerly the wife of Richard le Tessun, seeks against Stephen Tessun a third part of half a virgate of land, with the appurtenances, in Peryton, as her dower, etc. And Stephen comes and by licence gives up to her the said third part. Therefore let her have her seisin.

662. Agnes, formerly the wife of Walter Pakok', who brought a writ of dower against Walter son of Walter and others, does not proceed. Therefore she and her pledges to prosecute, namely Robert Paukok' and Walter de Camera, are in mercy.

[1] Durborough.
[2] Fodington in Babcary.
[3] The clerk had prepared to write the names of the pledges as usual, when he found that Alice had not found any, and he so states. But it seems that Alice herself was not amerced.
[4] Subsequent to the making of the entry it was found that William le Theyn was dead, and the word "*obiit*" was written over his name.

663. Nicholas de Bosco and Emma his wife, who brought a writ of warranty of charter against Adam son of Jordan concerning half a virgate of land, with the appurtenances, in Cusinton', does not proceed. Therefore they and their pledge to prosecute, namely Hugh Kotyn de Yvelcestr',[1] are in mercy.

664. Cecily, daughter of William, and Joan her sister, who brought a writ of warranty of charter against Henry Blund concerning three ferlings and five acres of land, with the appurtenances, in Schislode, do not proceed. Therefore they and their pledges to prosecute, namely Humphrey Prat and John Whytlok', are in mercy.

Memb. 10.

665. Henry de Karevill', Robert Malherbe, Robert de Whatelegh', and Adam Gyaine, the four knights sent to Flintford to see whether the infirmity for which Richard de Cumbe essoined himself *de malo lecti* against Hugh Peverel and Isabella his wife on a plea of advowson be bed-sickness, come and say that they saw him on Sunday next after the Feast of St. Hilary, and that he was ill in bed, and they gave him a day at the Tower of London in one year and one day from the day of their view. The same day is given to Lucy Malet, a coparcener (*particip'*)[2] of Helar', wife of Richard de Cumb'.

666. Amice, formerly the wife of Humphrey Michel, seeks against Reginald son of Humphrey a third part of two virgates of land with the appurtenances in Merilince, and against Nicholas son of Humphrey a third part of two virgates of land with the appurtenances in the same vill, and against Henry de Stawell a third part of one virgate of land with the appurtenances in the same vill, and against Walter de la Forde a third part of five acres of land with the appurtenances in the same vill, and against Humphrey de Stane and Julia his mother a third part of half a virgate of land in the same vill, and against Walter le Goyz and Agnes his wife a third part of four acres of land with the appurtenances in the same vill, and against Agnes de Sutton a third part of four acres of land with the appurtenances in the same vill, and against Walter son of Mariot a third part of half

[1] After Hugh's name occurs "tm̃," as if something more should have been written which was omitted.

[2] See Bract., fos. 370 and 370b.

an acre of land with the appurtenances in the same vill, and against Nicholas de Caldekot' a third part of one acre of meadow with the appurtenances in the same vill, and against Eva, formerly the wife of Raymond, a third part of two acres of land with the appurtenances in the same vill, and against Walter son of Humphrey the chaplain a third part of five acres of land and one messuage with the appurtenances in Meleburn', and against William Dolling'[1] a third part of twenty-eight acres of land and two acres of meadow with the appurtenances in Meleburn, and against Henry de la Fenne[1] a third part of one virgate of land, except seven acres of land and two acres of meadow with the appurtenances in the same vill, and against Richard Mauniel a third part of one acre of land with the appurtenances in the same vill, and against Walter Patewyn a third part of two acres of land with the appurtenances in the same vill, and against Richard Alny a third part of three acres of land and two acres of meadow with the appurtenances in the same vill, and against Thomas the Mercer (*le Mercer*) a third part of 8*s.* of rent with the appurtenances in the same vill, as her dower, etc. And Reginald and all the others come. And William Dolling, as to the ten acres of land with the appurtenances in Meleburn', vouches to warranty Henry de la Fenne who is present and warrants him, and Thomas the Mercer vouches to warranty Roger le Porter who is present and warrants him, and Henry de la Fenne, as well as to the land which he holds as to that which he warrants, renders to her her said third part. Therefore let William Dolling have of the land of Henry to the value of the ten acres which [the latter] warranted, and Roger le Porter gives up to her her third part of 8*s.* rent, and let Thomas the Mercer have of the land of Roger to the value, etc. And Reginald and all the others come and by licence give up to her her said third parts as her dower, etc. Therefore let her have her seisin, and Humphrey and all the others are in mercy because they did not give up before.

667. Henry Malherbe, who brought a writ of entry against Blissotta daughter of Alexander de Mudesl' touching half a virgate of land with the appurtenances in Wedmol', does not proceed. Therefore she and her pledges to prosecute, namely Walter de Litleton', Robert de Litleton', and Robert de Cuntevill', are in mercy.

[1] There is a small cross over these names.

668. Nicholas Avenel was attached to answer Matthew de Furneaus on a plea why he made waste, sale, and ruin (*vastum vendicionem, et exilium*) of the lands, woods, houses and men he had in custody of the inheritance of the said Matthew in Kylve to the disinheriting of the said Matthew, contrary to the prohibition, etc.[1] And whereon it is complained that he sold a certain wood which is called Haleweye to one Thomas de Haleway, who, at one time, used to claim a right in the said wood; and, further, in another wood, which is called Kelve, he threw down about two hundred oaks, and he threw down a certain stable and a bakehouse (*stabulum et unum furnum*) and the gates of his court, and he laid waste (*devastavit*) to the disinheritance, etc., whereby he [Matthew] is injured and has [suffered] damage to the value of 40 marks, and thereof he produces suit. And Nicholas comes and defends the force and injury, and says that he made no waste of the lands, woods, houses, etc., and says positively that he has sold no wood to the said Thomas. Afterwards they are agreed, and Nicholas gives 2 marks for a licence to make a concord by pledge of William Maubanc. And the agreement is such that the aforesaid Nicholas gives up to Matthew the whole of the land, with the appurtenances, which he had in custody as of the fee of the said Matthew, and Matthew gives Nicholas 20 marks, and he puts himself gratuitously (*gratis*) in the custody of William Maubanc who has admitted him (*qui eum admisit*).

669. Master John Bakun gives $\frac{1}{2}$ mark for a licence to agree with Richard le Bigod on a plea of warranty of charter, by pledge of Richard himself.[2]

670. Ralph Trevet gives $\frac{1}{2}$ mark for a licence to agree with Ralph Hese on a plea of covenant, by pledge of Ralph himself.[3]

671. James Wace, who brought a writ *quo jure*, etc., against Alexander de Monteforti, does not proceed. Therefore he and his pledges to prosecute are in mercy. He is a pauper and has no pledge. Therefore nothing.

672. Richard de Gurnay, by his attorney, seeks against

[1] This means "*contra prohibitionem domini Regis.*" It would seem that the King's Court could not interfere to stay waste until the tenant had received the King's prohibition through the sheriff. See Bract., fols. 315 and 315b.

[2] "Somerset Fines," p. 116, No. 65, relating to land in Merston.

[3] "Somerset Fines," p. 112, No. 48. Ralph Huse's wife, Eva, was a party. It related to lands in "Crandon and Akenton."

Stephen de Auston' the mill of Bosecroft and one virgate of land with the appurtenances in Caninten' except five acres of meadow, whereof William son of Philip, kinsman of the aforesaid Richard, whose heir, etc., was seised in his demesne, etc., on the day on which, etc. And Stephen comes and says that he claims nothing in the aforesaid mill and land except for a term under one Isabella de Portesheved. And Richard cannot contradict this. Therefore Stephen [may go] without a day, and Richard is in mercy for his false claim. Let him be in custody.[1]

673. Roger de Berkel and Henry de Campo Florido were summoned to answer Robert de Columbariis on a plea by what right they claimed common in the land of Robert in Lanyete,[2] inasmuch as Robert has no common in the lands of Robert and Henry, nor do Robert and Henry service to him wherefor they ought to have common in his land. And Roger comes and says that he ought not to answer him on this writ, because he holds nothing except in the name of dower with . . [3] his wife, mother of Henry, and he says that Henry is under age. Therefore a day is given to them on the next coming of the justices into Dorset. And Roger mainprised to have Henry, and be it known that the writ remains in the meanwhile with the sheriff.

674. Richard de Halewell' seeks against William son of Richard ten acres of land, with the appurtenances, in Yvelcestr' as his right, etc., and in which he [William] has no entry except by Richard son of Matilda, to whom Jordan de Halewell', father of Richard, whose heir, etc., demised them for a term, etc. And William comes and defends his right and such entry, etc., and says that he has entry in the land by Richard himself, who granted that land to him and quitclaimed for himself and his heirs by his charter, which he [William] proffers, and which testifies this. And Richard comes and says that the charter ought not to hurt him because it was never made with his assent, and that such was so he puts himself upon the country and the witnesses named in the charter. And upon this come the bailiffs of Yvelcester and say that they ought not to answer[4] beyond the walls of the

[1] In the margin.
[2] Laymatt.
[3] The name is not filled in upon the roll.
[4] The clerk writes as though the bailiffs were parties to the action. Of course they were not, but they intervened and craved cognizance of the rights of their burgh. Probably the question of juri diction could not have been raised by way of plea.

burgh of Ivelcester according to the charter of our lord the King, which they proffer, and which testifies this. Afterwards come twelve jurors and the witnesses named in the charter, who say upon their oaths that the aforesaid Richard made that charter to the aforesaid William. Therefore it is considered that William [may go] without a day, and that Richard should take nothing by that jury, and should be in mercy for his false claim. He is a pauper.

675. The Prior of Dunstor' confesses that he is bound to pay Ralph de Sandhull 10 marks, of which he should pay him 5 marks at mid lent in the 27th year of the King's reign, and at the nativity of St. John the Baptist, 5 marks. And if he do not, he grants, etc.[1]

676. Emma, formerly the wife of Walter the reeve, puts in her place William son of William against Robert son of Hodierne, on a plea of land.

677. Peter de Marisco puts in his place Thomas de Marisco his son against Mabel Knyte, on a plea of land, etc.

Memb. 10*d.*

678. William Fukeram offers himself on the fourth day against Godefrey de Aunho on a plea that he [Godfrey] should permit him to have the common of pasture in Godfrey's wood in Heywode which he ought to have, etc. And Godfrey does not come, etc., and he was summoned, etc. And it is adjudged that he be attached to be at the next coming of the justices into the county of Dorset, etc., and let the writ remain with the sheriff.

679. Margery de Flury seeks against Robert de Langeford ten acres of land with the appurtenances in Langeford' as her right and marriage portion, and in which he has no entry unless by William de Langeford', to whom William de Budevill', formerly Margery's husband, demised them and whom [the latter] in the lifetime she, etc.[2] And Robert comes and defends her right, etc., and says that he ought not to answer her on this writ because he does not hold the entirety of the said ten acres of land, for Matilda, Robert's mother, holds a third part thereof in dower, and thereon he puts himself upon the country, and Margery does likewise. Therefore let a jury be made, who say

[1] A power of distress would follow.

[2] The full phrase is "*cui ipsa in vita sua contradicere non potuit.*" See note to No 615.

upon their oaths that the aforesaid Robert holds the entirety of the said ten acres with the appurtenances. Therefore it is considered that Margery should recover her seisin of the said land, and Robert is in mercy, by pledge of Richard de la Bere.[1]

680. Roger de la Lude and Idonea his wife, and Amice, sister of the said Idonea, seek against Ralph de Gridlekote nine acres of land and one messuage with the appurtenances in Hittokesmede, in which the same Ralph has no entry unless by Nicholas son of Galienus, to whom Isolda, formerly the wife of Ranulph Gernun, who held them in dower as of the gift of the same Ranulph, formerly her husband, and father of the aforesaid Idonea and Amice, whose heirs, etc. [demised them]. And Ralph comes and says that he ought not to answer them on this writ [because] Amice has a husband, Thomas by name, and he [Ralph] craves judgment whether he ought to answer when Thomas is not named in the writ. And Roger and the others admit this. Therefore it is considered that Ralph [may go] without a day, and Amice is in mercy.[2]

681. Ralph Trevet gives ½ mark for a licence to agree with Helewise daughter of John Ryer on a plea of covenant, etc., by pledge of Thomas Trevet.[3]

682. Nicholas son of Robert offers himself on the fourth day against Ralph de Evesham on a plea why he [Ralph] claims common in the land of Nicholas in Buksede, inasmuch as Nicholas has no common in the land of Ralph, nor does he [any] service to him [Ralph] for which he ought to have common in his land. Afterwards Nicholas comes and says that the aforesaid Ralph is a villein, and he [Nicholas] will not sue against him. Therefore Nicholas is in mercy, and his pledges to prosecute likewise, namely Robert de Columbariis and Richard Maviel.

683. Gilbert Grafenloyl, who brought a writ of warranty of charter against Walter de Halton concerning two virgates of land with the appurtenances in Heynstrugge, does not proceed. Therefore he and his pledges to prosecute, namely Colin Michel[4] and Richard Durant, are in mercy.

[1] In the margin is *custodiatur* in its abbreviated form "c^{o}."

[2] Observe that all the plaintiffs are not amerced for their error in commencing an action without joining all necessary parties. Presumably it was thought that Amice as alone in default for not reminding her co-plaintiffs that she had a husband living.

[3] "Somerset Fines," p. 112, No 51.

[4] "*Alibi*" is written over this name.

684. The same Gilbert, who brought a writ of warranty of charter against Ralph le Bret and Christiana his wife touching two messuages with the appurtenances in Muleburn, does not proceed. Therefore he and his pledges to prosecute, namely Nicholas son of Michael and Humphrey Mikel, are in mercy. Afterwards Gilbert comes. Therefore his pledges are quit.

685. The same Gilbert,[1] who brought a writ of warranty of charter against Walter son of Jordan concerning one virgate of land with the appurtenances in Henstrig', does not proceed. Therefore he and his pledges to prosecute, namely the aforesaid Colin and Richard Durant, are in mercy.

686. Margery, formerly the wife of William de Bodevill', was attached to answer Jordan de Harpeford on a plea why she made waste, sale, and ruin of the lands, houses, gardens, and woods which she holds in dower of the inheritance of the said Jordan in Langeford, to the disinheriting of Jordan contrary to the prohibition, etc.,[2] and whereon it is complained that the aforesaid Margery threw down thirty oaks and daily commits waste, whereby he is injured and has [suffered] damage to the value of 100*s*., and thereof he produces suit. And Margery comes and defends the force and injury, etc., and positively defends that she caused any waste to the said lands, houses, etc., and says that the truth is that she threw down about fifteen young trees[3] (*blettrones*) of which Jordan carried away ten, and the five which remained to her she used in the repair (*sustentacionem*) of the houses, and she has committed no other waste. She puts herself upon the country, and Jordan does likewise. Therefore let a jury be made, and let it come on the next coming of the justices in the county of Dorset. The sheriff is notified; and Randal de Flury and John Cape, the first pledges of Margery, are in mercy.

Afterwards come twelve jurors at Schyreburn, in the county of Dorset, and say upon their oath that the aforesaid Margery threw down thirty oaks in the said wood and committed waste in the same wood to the value of 10*s*. Therefore it is considered that for the future she should commit no waste in the said wood, sale, or ruin, etc., and that she be in mercy for

[1] "*Alibi*" is written over this name.
[2] See *ante*, note to No. 668.
[3] "*Bletonata silva novellis arboribus.*" Ducange, "Gloss."

her transgression, by pledge of the sheriff. Let her be in custody.[1]

687. Peter de Bere, who brought a writ against Robert de Esten' touching the taking of homage and reliefs in respect of the free tenement which he holds of him in Edewston, does not proceed. Therefore he and his pledges to prosecute, namely John Marshall,[2] of Derneberg', and William son of Hugh, are in mercy.

688. Elyas son of Richard seeks against Matthew de Clivedon', whom William de Clivedon' vouched to warranty, and who warrants him, one virgate of land with the appurtenances in Hemmegrave as his right, etc., and whereof Richard father of Elyas was seised as of fee and in right in the time of King John, taking therefrom profits to the value of ½ mark. And from him [Richard] the right in the land descended to this Elyas as son and heir. And that such is his right, etc., he offers, etc. And Matthew comes and defends his right now and otherwise, etc., and says that he ought not to answer him on this writ because the aforesaid Richard, his father, under whose seisin he claims, was a thief, and notably of three stolen hogs (*baconibus*) in the Hundred of Whytston', and suffered judgment in the court of the Abbot of Glaston', and was hanged, and that it was so he puts himself upon the country. And Elyas says that at the time aforesaid of King John and the war he [Richard] was captured in the Hundred of Whytston' as he followed his cattle, which had been taken by robbers, and by hate and spite, and not by judgment, he was hanged, and that so it was he puts himself upon the country, and Matthew does likewise. Therefore let a jury be made thereon. Afterwards they are agreed, and Elyas gives ½ mark for a licence to agree by pledge of Thomas de Boreham.

689. Geoffry de Mora confesses that he owes William de Dummere 20*l.* and 1 mark touching a fine made between them, of which [sum] is to be paid to him on the first Sunday in Lent in the 27th year of the reign of King Henry son of King John 40*s.*, and at Easter next following 5½ marks, and at the feast of St. John the Baptist next following 100*s.*, and at the feast of St. Michael next following 100*s.*, and on the Nativity of Our Lord

[1] This direction as to custody appears by marginal note. The subsequent proceedings in the county of Dorset were of course recorded later. "*Dorset*" appears in the margin of this part. This looks like an early instance of an "injunction."

[2] Over this name is written "*Alibi*," and the marginal note "*mīe*"—*misericordiæ*—is struck out.

next following 100*s*. And if he should not do [this] he grants that the sheriff may distrain . . . chattels, etc.

690. A day is given to William de Holecumb', claimant, and the Abbot of Keynesham, on a plea concerning one moiety of the manor of Holecumbe with its appurtenances, except seven ferlings and forty-seven acres of land, four messuages, 3*s*. of rent of two mills and the advowson of the chapel of the same manor with the appurtenances, . . . on the next coming of the justices in the county of Dorset on the prayer of the parties. And let the writ remain with the sheriff in the meantime. The Abbot puts in his place William de Edinton or Henry Marshall.[1]

691. Walter de Pavely against William Pag' and Thomas Bat on a plea of appeal by Ralph Moke . . . on the quindene of Easter at Westminster. He has pledged his faith.[2]

Memb. 11.

692. Adam son of Goldiva de Cruk' gives ½ mark for a licence to agree with Simon de Pillesdon on a plea of land, by pledge of Simon himself.[3]

693. Henry de Gant gives ½ mark for a licence to agree with Henry de Erlegh' touching the suit to the hundred [court] of Perton for the manor of Poulet, by pledge of Henry de Erlegh' himself.[4]

694. John Cote was summoned to answer Henry de Gant on a plea why he does not allow Henry to have a certain road which he ought and is wont to have beyond the land of him [John] in Strethend, and whereon it is complained that, because he [John] does not allow him [Henry] to have that road, he is injured and has [suffered] damage to the value of 20*s*., and thereof he produces suit, etc. And John comes and says that the aforesaid Henry ought not to have any road there, and that if he had any road, it was by force, and not by any right. Afterwards Henry comes and will not prosecute that writ. Therefore John Cote [may go] without a day, and Henry[5] is in mercy.

[1] See "Somerset Fines," p. 111, No. 44. At Westminster on the quindene of Michaelmas.

[2] This is an essoin.

[3] "Somerset Fines," p. 113, No. 54

[4] "Somerset Fines," p. 115, No. 62.

[5] "*Alibi*" is written over this name.

695. Eborard son of Walter, who brought a writ of warranty of charter against Godfrey del Ausnay concerning four messuages with the appurtenances in Radeclive, does not proceed. Therefore he and his pledge to prosecute, namely Walter Page, are in mercy, but the other pledge has died.

696. John son of Michael, who brought a writ of entry against Nicholas son of Robert concerning one messuage and one virgate of land with the appurtenances in Cherleton, does not proceed. Therefore he and his pledges to prosecute, namely Walter the Clerk[1] and Gilbert de Gardino, are in mercy.

697. Robert the Goldsmith (*aurifaber*), who brought a writ concerning a fine made in the court of our lord the King against Thomas le Ware and Agnes his wife of one third part of the manor of Roweleston with the appurtenances, does not proceed. Therefore he and his pledges to prosecute, namely Peter Border and Ebbe de Dicheshet', are in mercy.

698. John de Stratton, who brought a writ *de precipe*[2] against Roger son of Walter and Justine his wife concerning twenty-two acres with the appurtenances in Stratton, does not proceed. Therefore he and his pledges, namely John de Mandevill'[3] and William Marshall, are in mercy.

699. Jordan son of Gervase, who brought a writ *de precipe* against Peter the goldsmith (*le orfeuer'*) and Agnes his wife concerning one messuage with the appurtenances in the suburb of Bristoll', does not proceed. Therefore he is in mercy. His pledges have died.

700. William le Petit, who brought a writ *de precipe* against Robert Wulbod concerning half a virgate of land with the appurtenances in Lehyton', does not proceed. Therefore he and his pledges to prosecute, namely Walter Turbern and Stephen de Cranemere, are in mercy.

701. Baldwin le Engleys and Alice his wife, who brought a

[1] "*Alibi*" is written over this name, and the marginal "*misericordiæ*" is struck out.

[2] This writ is the commencement of a proprietary action that is to take place from the first in the King's Court. It stands, as it were, midway between the indubitably possessory assizes and the indubitably proprietary writ of right. It bids the tenant give up the land claimed, or show cause why he should not. The writ contains some suggestion of a flaw in the def ndant's title, the object of which is to preclude the defendant from pleading a general denial, which would be appropriate in the case of a writ of right, and also to force the defendant to answer a certain question as to his own title, and so constitute a question of fact fit for a jury. See "Hist. of English Law," Vol. ii p. 63.

[3] "*Alibi*" is written over this name, but the marginal "*mie*" is not struck out.

writ *de precipe* against the Prior of Staverdal' concerning two charters which unjustly [he detains] from them, etc., does (*sic*) not proceed. Therefore he and his pledges to prosecute, namely Thomas de la Penne and Andrew (*struck out*) de Sutton, are in mercy.

702. Eudo de Merland', who brought a writ of warranty against Robert de Merland', does not proceed. Therefore he and his pledges to prosecute, namely William le Blun and Hugh the Miller, are in mercy.

703. John de Essebyr' gives ½ mark for a licence to agree with Henry Hastevilain on a plea of warranty of charter, by pledge of Martin de Legh'.[1]

704. Eudo de Merland, who brought a writ against Robert de Merland to have reasonable estovers in Robert's wood in Orcherlegh',[2] does not proceed. Therefore he and his pledges to prosecute, namely Walter le Bum and Hugh the Miller, are in mercy.

705. Robert de Sparkford, who brought a writ of warranty of charter against Robert de Blokesworth' concerning one virgate of land with the appurtenances in Sparkford', does not proceed. Therefore he and his pledges to prosecute, namely Thomas de Gracelegh' and Henry de Sparkeford', are in mercy.

706. Thomas de Morton was summoned to answer the Prior of Lanton' on a plea that he should discharge the Prior of the service which Thomas de Cruket requires of him in respect of his free tenement which he holds of the aforesaid Thomas de Morton in Lodres,[3] and whereon it is complained that the said Thomas de Cruket distrained him to pay scutage and relief to him [Thomas] in respect of the same tenement which he holds of the said Thomas de Morton by the service of one pound of cumin for all services, and he proffers the charter of William de Morton, brother of Thomas, which testifies that the same William gave and granted to one Richard de Morevill' for his homage, etc., ½ mark of silver of yearly rent at the feast of St. Michael receivable in the vill of Lodres, to have and to hold to himself and his heirs or assigns by the service of one pound of cumin yearly; and he proffers the charter of Richard himself, which testifies that he gave the said rent to the said Prior and

[1] See "Somerset Fines," p. 124, No. 96. The land was in "Middelton." Henry's wife was Alice.

[2] Orchardleigh.

[3] *Quære* Loders, co. Dorset.

his church to hold by the service aforesaid, and whereby he is injured and has [suffered] damage to the value of 40*s.*, etc. And Thomas de Morton' comes and defends the force and injury, and fully admits the aforesaid charters and everything that is contained in them ; and inasmuch as it is clearly shown by the charters that the said rent was assigned to the Prior and his church, it is considered that the aforesaid Thomas should discharge the Prior of the said rent by the service aforesaid, and should satisfy him in respect of his damages and be in mercy by his pledge Stephen de Furnyaus.

707. Thomas de Morton offers himself on the fourth day against John Prior of Lanthon' on a plea that he should do him the customary and rural[1] service which he ought to do for his free tenement in Lodres. And the Prior does not come, etc. ; and he was summoned, etc. It is adjudged that he be attached to be at the next coming of the justices into the county of Dorset, and let the writ remain with the sheriff in the meantime.

708. The Prior of Bermundes', by his attorney, offers himself on the fourth day against Henry parson of Kinewardeston'[2] on a plea that he should restore to him [the Prior] one messuage and half a virgate of land with the appurtenances in Kynewardeston', which the Prior claims against him as the right of his church. And Henry does not come, etc. ; and he was summoned, etc. It is adjudged that the messuage and land be taken into the hand of our lord the King, and a day, etc., and let him be summoned that he should be at the next coming of the justices into the county of Dorset, and let the writ remain with the sheriff in the meantime.

709. Henry de Ekewyk', who brought [a writ] concerning customs and service against Peter de Mara in respect of a tenement which Peter holds of him in Ekewyk', does not proceed. Therefore he and his pledges to prosecute, namely Roger de Whittokesmede and Roger de la Cume, are in mercy.

710. Roesia de Lutleton', by her attorney, offers herself on the fourth day against Richard de la Rivere on a plea of two parts of one-third part of one knight's fee with the appurtenances in Horningdon. And Richard does not come, etc., and

[1] See note to No. 620.
[2] Kingweston.

he was claimant. Therefore Roesia [may go] without a day, and Richard is in mercy.[1]

711. Robert de Sparkeford' gives 10*s.* for a licence to agree with Robert de Blokkesworth' on a plea of warranty of charter, by pledge of Henry de Stawell'.[2]

712. William Warrenner gives ½ mark for a licence to agree with Henry Harald' and Alice his wife on a plea of warranty, by pledge of Robert de Midilton.[3]

713. John de Lideford gives 1 mark for a licence to agree with William de Birkel' on a plea of land. And the agreement is such that while the same John and Matilda his wife have claimed against the same William and Joan his wife a third part of a fourth part of one knight's fee with the appurtenances in Hynieton' as the reasonable portion of Matilda wife of the same John, to wit that the said William should recognise the aforesaid third part to be the right of Matilda as her reasonable portion which fell to her of the inheritance of Philip de Nereber'; and for this, etc., the said John and Matilda have granted to William the said third part with all the right of the eldest (*eynescia*) which belonged to John and Matilda in Hynton', so that Henry de Alneto[4] and Elena his wife should do to the said William and Joan his wife the homage which they ought to do to the aforesaid John and Matilda his wife; and William has granted to John and Matilda that they [William and Joan] should make him (*sic*) an exchange to the value of the said third part, in Bery, in the county of Devon. Therefore the sheriff of Somerset is ordered that he should make an extent and valuation of the said third part in all things, and when this should be done should inform the sheriff of Devon, so that he should make to the said John and Matilda of the land of William and Joan in Bere an equivalent.[5]

[1] Over this is written "*infra etatem*," and in the margin "*usque huc*," meaning that someone, probably an exchequer officer, had looked through the roll thus far.

[2] "Somerset Fines," p. 122, No. 90. Robert Blokkesworth's wife, Isolda, was a party. The land was in "Sparkeford."

[3] "Somerset Fines," p. 115, No. 60, where Warrenner is called "le Warner," and "Henry Harald," "Henry Hastard." The land was in "Middelton."

[4] See No. 726.

[5] This entry is clumsy. The effect of it is, that John and Matilda have claimed a third of Hynton as dower. William and Joan concede it. Then John and his wife grant the conceded third to William and his wife in return for an equivalent in Devon.

Memb. 11*d.*

714. Margery de Sumery was summoned to answer Henry de Gant on a plea that she should permit Henry to take turf (*turbam*) on the land of Margery in Were[1] for the repair of the dams (*exclusas*) and pond of Henry's mill in the same vill, which he ought and is wont to take there, and whereon it is complained that, while he is accustomed to have turf from the land of Margery in Were for the amendment of the aforesaid mill, etc., [as was[2]] Robert de Gurney, who held that mill, and who gave it to him [Henry] by his charter, which he proffers, and which testifies this, she [Margery] does not permit him to take turf from the said land for the amendment of the said mill, whereby he is injured and has [suffered] damage to the value of 60*s.*, and thereof he produces suit. And Margery, by her attorney, comes and defends the force and injury, etc., and says that she fully grants that he may have such turf in the said land as he ought to have. And because Henry does not know how to define within what metes and bounds he ought to take such turf on the said land, the sheriff is ordered that he should assemble twelve, whether knights, etc., of the vicinage of Were, by whom, etc.,[3] to view the mill and pond, and that they should be before the justices on their next coming into the county of Dorset, to certify by what metes and bounds the said Henry, during the time when the mill was in his hand, was accustomed to take turf from the land of the said Margery in Were, and in the meantime [let them satisfy] themselves so that [they may be able more fully to certify] the said justices, etc.[4]

715. Peter de Bere offered himself on the fourth day against Robert son of Adam on a plea of a third part of one ferling of land with the appurtenances in Wolwardeston'[5] of which Emelota daughter of Robert, kinswoman of him [Peter], whose heir [he is], was seised in her demesne, etc., on the day on which [she died]. Robert did not come, etc., and otherwise made default, so that the land was taken into the hand of our lord the King. The

[1] Weare. [2] Some such words as these seem to have been omitted.
[3] "By whom," that is, "the truth may be made known."
[4] The entry is condensed thus: "*Et interim se ita inde etc. ut predictos justiciarios*" evidently taken from the form of writ set out in Bract., fo. 319b., "*et interim terram illam videant et se inde interim certificent quod nos vel justiciarios nostros ad prefatum terminum plenius inde certificare possuut.*"
[5] Woolston, in Bicknoller.

sheriff appointed a day, etc. Therefore it is considered that Peter should recover his seisin of the land, and Robert is in mercy.

716. Henry de Bykefaud offers himself on the fourth day against William Wyting on a plea that he should perform to Henry the customary and rural service for the free tenement which he holds of him [Henry] in Worlegh'.[1] And William does not come, etc.; and he was summoned, etc. It is adjudged that he be [present] on the next coming of the justices into the county of Dorset, etc., and that the writ remain with the sheriff in the meantime.

717. Geoffry de Maundevill' confesses that he owes Geoffry de Brideport 300 marks to be repaid within two years and a half, beginning at Easter in the 27th year of the reign of King Henry son of King John, so that if the aforesaid money should not be fully repaid within that time Geoffry de Maundevill' granted for himself and his heirs that Geoffry de Brideport might have the manor of Estkoker with the hundred [court] and the advowson of the church of the same manor and all other appurtenances without any withholding (*sine ullo retenemento*) quit of the aforesaid Geoffry and his heirs for ever, as in the writing of covenant made between them, and, further, in the charter of feoffment of the said manor which the said Geoffry de Maundevill' made to Geoffry de Brideport, and which is deposited in the Abbey of Glaston as even hand between them more fully appears, etc.

718. The same Geoffry de Maundevill' confesses that he owes Richard de Bune, parson of the church of Hardinton', 50 marks sterling, which he should repay to him, his heirs or assigns, by half-yearly instalments, namely at the feast of St. Michael in the 27th year of the reign of King Henry son of King John 20 marks, and at Easter next following 20 marks, and at the feast of St. Michael next following 10 marks, so that if the said money should not be fully repaid within the said time, Geoffry granted, for himself and his heirs, that Richard or his heirs might have the manor of Kinton',[2] with the advowson of the church of the same manor and with all other appurtenances, without any withholding, quit of the said Geoffry and his heirs for ever, as in the writing of covenant made between them; and, further, in the charter of feoffment of the aforesaid manor which

[1] Worle, or Warleigh.

[2] Keinton Mandevill.

the said Geoffry made to the said Richard and deposited until the term aforesaid in the Abbey of Mucholeneye, as even hand between them (*in equa manu*), more fully appears, etc.

At the foot of this membrane, on a fragment of parchment stitched to it, apparently as a label to the whole roll.

Pleas of juries, of assize and of the crown before Roger de . . . and his associates, justices in eyre at Ivelcestr, . . . Somerset, in the 27th year of the reign of King Henry son of King John. Somerset eyre in the 27th year of the reign of King Henry.

Memb. 12.

719. Matilda, formerly the wife of Richard le Vallet, who brought a writ of dower against William le Neweman, does not prosecute her writ. Therefore she is in mercy. And her promise was her pledge because she is poor (*et fides fuit pl' q' pauper*).[1]

720. Roesia, formerly the wife of William le Daneis, who brought a writ of dower against Walter de Chamberleng' and against Agnes, formerly the wife of Adam le Daneys, and against William le Chamberleng' and William de Engelby, does not prosecute her writ. Therefore Roesia and her pledges, namely John the Usher (*ostiarius*) and Robert de Dilinton', are in mercy.

721. Alice daughter of Thomas, who brought a writ of warranty of charter against Osbert son of Thomas, does not prosecute her writ. Therefore she and her pledges, namely William de Bona Villa and Roger de Notiford, are in mercy.

722. Matilda de Wilescumb', who brought a writ of warranty of charter against William son of Roger, does not prosecute her writ. Therefore she and her pledges, namely John de Everleya and John Witloc, are in mercy.

723. Walter de Helton', who brought a writ of warranty of charter [concerning] one virgate of land with the appurtenances in Henxereg against Nicholas de Meriet, does not prosecute his

[1] If a claimant could not find pledges he might be trusted on his solemn promise to porsecute his suit, especially in criminal proceedings, that justice might be done. See Glanv., lib. 14, cap. 1; also "Regiam Majestatem," lib. 4, c. 1, "*Si autem accusator plegios non habuerit, fidei suæ religionis solet committi, sicut in omnibus placitis de felonia.*"

writ. Therefore he [Walter] and his pledges, namely Henry de Mileburn' and Richard de Sorye, are in mercy.

724. Alina, formerly the wife of Robert Attewode, who brought a writ of dower against John Comyn, and against Ralph le Tornur, and against Jordan de Hereford', does not prosecute her writ. Therefore she [Alina] and her pledges, namely Colin de Noers and Patrick de Munford, are in mercy.

725. Christiana, formerly the wife of Hugh Viresun, seeks against Hugh Tunayre a third part of twenty acres of land with the appurtenances in Middelkote as her dower, etc. And Hugh comes and says that she ought not to have dower therein, because the said Hugh Viresun did not on the day on which he married Christiana, or ever afterwards, hold the said land in demesne, etc., so as to have been able to dower her thereout, and thereon he puts himself upon the country, and Christiana does likewise. Therefore let a jury be had, who say upon their oath that the said Hugh Viresun did not hold the said land on the day on which he married her, or ever afterwards, in his demesne, so that he might have been able to dower her thereout. Therefore it is considered that Hugh Tunayre [may go] without a day, and Christiana[1] is in mercy. Let her be in custody.

726. John de Lideford' and Matilda his wife seek against Henry del Ausnay[2] and Elena his wife a third part of a moiety of half a knight's fee with the appurtenances in Hyneton' as the right of her, Matilda. And Henry, for himself and Elena his wife, comes and by licence gives up to him (*ei*) the said third part, and let him be in mercy because he did not give it up before. He made fine for 10*s*., by pledge of Thomas de Santon.

727. Christiana, formerly the wife of Robert de Legh', seeks against Peter Ernewy a third part of ten acres of land with the appurtenances in Legh as her dower, etc. And Peter does not come, and he was summoned, etc. Judgment: Let the third part be taken into the hand of our lord the King, etc., and a day, etc. And let him be summoned that he be [present] on the next coming of the justices into the county of Dorset.

728. Maurice de Borreham offers himself on the fourth day against John Morin, on a plea that he [John] should pay him 16 marks which he owes him and unjustly detains, as [Maurice] says. And John does not come, etc., and he was summoned, etc. Judgment: Let him be distrained by his lands and chattels, etc.

[1] Over her name is "*nihil*."

[2] See No. 713.

so that [the sheriff] should have his body against the next coming of the justices into the county of Dorset; and in the meantime let the writ remain with the sheriff.

729. Thomas de Santon sought in the county [court] Adam de Aywod as his fugitive villein, etc., so that Adam brought a writ of our lord the King *de libertate sua probanda*. And now the said Adam comes and says that he is a free man, and that his ancestors were free men, because one Algar de la Wyke, his grandfather, who was a free man and held his land freely in la Wyke, had two sons, one Robert, father of the said Adam, and one Roger, father of William de la Wyke, who is present, a free man and lord (*dominus*) of la Wyke; and he says that on his mother's side (*ex parte matris*) there was one Daniel, a free man, who had two daughters, one Edith, the elder, and another Julia, mother of a certain Ralph de Lapse, who is present, and says that he is a free man and kinsman of the said Adam, as he says. And Thomas comes and says that [Adam] is a villein, and that Algar his ancestor had a certain brother, Alrig' by name, who had a son Nicholas, and of Nicholas came one John, his son, who is present, and confesses that he is a villein; and he says that on the part of the mother of Adam there was a certain Aubrey, who had Matilda the mother of him [Adam], and she [Aubrey?] had a son Alexander. From Alexander there was issue Richard, who is present, and confesses himself a villein and kinsman of the said Adam. He says that the aforesaid William de la Wyke and Ralph de Lapse, who call themselves relatives (*parentes*) of Adam, are not of his relationship (*parentela*); and he offers our lord the King ½ mark that inquiry may be made by the county whether they are relatives of Adam, as Adam says, or not, and it is received. And because the said William and Ralph were born in the county of Devon, a day is given them on the next coming of the justices in those parts; and then let the inquest be made.

730. Geoffry de Langelegh was summoned to answer Michael, Abbot of Glaston, on a plea why he surcharged (*s'rhoneravit*) the Abbot's common of pasture in Askote and Wauton', and whereon the Abbot complains that Geoffry has in the pasture one hundred and fifty goats and twenty oxen or cows beyond the number which his ancestors and he were wont always to have in the pasture, to wit sixteen oxen only, and thereby he [the Abbot] is injured and has [suffered] damage

to the value of 40 marks; and thereof he produces suit. And Geoffry comes and defends the force and injury and everything, etc., and says that he ought not to answer him on this writ, because he says that the suit was never brought in the county [court], and that he was never summoned,[1] and thereon he puts himself upon the record of the county [court]. And the county testifies that the suit was never in the county [court], and that Geoffry was never summoned in the county [court]. Therefore Geoffry [may go] without a day.

731. Henry son of Robert de Cheleworth', who brought a writ of entry against William de Cheleworth' concerning four acres of land with the appurtenances in Cheleworth',[2] does not proceed. Therefore he and his pledges to prosecute, namely Philip de Ardene and Walter Wys, are in mercy.[3]

732. Thomas de Ferr',[4] who brought a writ of covenant against Geoffry de Grascy concerning one messuage and six acres of land with the appurtenances in Nortkoker, does not proceed. Therefore he and his pledges to prosecute, namely John de Aula and William Young (*Juvenis*), are in mercy.

733. Ralph Russel, of Edmeston, who brought a writ[5] of caption of his homage and reasonable relief in respect of the tenement which he holds of Robert de Eston in Edenigston' and against Roger de Cheselode concerning the tenement which he [Ralph] holds of him in la Fenne, does not proceed. Therefore he and his pledges to prosecute, namely William de Knaplek' and Peter de Bere, are in mercy.

734. Henry de Cheleworth', who brought a writ against William le Bum concerning common of pasture in Cheleworth', of which Robert de Cheleworth', father of Henry, died seised, etc., does not proceed. Therefore he and his pledges to prosecute, namely Nicholas son of Robert and Nicholas de Nordariis, are in mercy.[6]

[1] A suit might be removed from the county court to the court of the King by a writ called the "*Pone*." Such writ could not properly be obtained until there was actually a plaint before the former court, that is, until after the parties were summoned before it. If there was no summons there was no plaint, and the fact could be pleaded in abatement of the *Pone*, as issued upon a false suggestion. See Bract., fo. 330b, and "Britt.," Bk. I., cap. 32, pl. 14. [2] Chelwood.

[3] "*Alibi*" is written over Walter's name. [4] Over this name is "*Nihil.*"

[5] The form of the writ would be "*quod capiat homagium et racionabile relevium suum de libero tenemento suo quod tenet et de eo tenere clamat in*," etc.

[6] "*Nihil*" is attached to the names of both pledges, and the marginal "*misericordie*" is struck out.

735. Richard son of Bernard, Warin de Welleslegh', and William the Steward (*le Seneschel*), who brought a writ of entry against the Dean and Chapter of Wells touching the manor of Bidesham with the appurtenances, do not proceed. Therefore they and their pledges to prosecute, namely, Adam de Cumpton and Philip de Arden', are in mercy.

Memb. 12*d.*

736. William Tropinel gives ½ mark for a licence to agree with the Abbot of Glaston' on a plea of covenant, by pledge of Walter de Pilton' and Robert de Berton'.[1]

737. Walter de Estmodesham was summoned to warrant Sampson de Haydon' in respect of one messuage and ten acres of land with the appurtenances in Heydon' which he [Sampson] holds and [claims] to hold of him [Walter], etc., and whereon, etc. And Walter comes and admits that Sampson holds the said tenement of him by the service of eighteen-pence yearly for all services, and he will willingly warrant him if he should be impleaded in respect thereof. Therefore let him warrant [Sampson] if it should be necessary.

738. William de Insula,[2] who brought a writ of covenant against William Avenel concerning one messuage and 100*s.* in land with the appurtenances in Bukinton', does not proceed. Therefore he and his pledges to prosecute, namely Richard Grugge and William le Smale, are in mercy.[3]

739. Alan de Halesworth' gives ½ mark for a licence to agree with Geoffry de Maundevill' on a plea of warranty of charter, etc.

740. Nicholas de Dunheved', who brought a writ of warranty of charter against Ernisius de Dunheved touching the manor of Dunheved'[4] with its appurtenances, does not proceed. Therefore he and his pledges to prosecute, to wit John de Thorevgny and Robert the reeve of Dunheved, are in mercy.

[1] "Somerset Fines." p. 113 No. 53. Topacia is named as the wife of William, and Adam Blund and Joan his wife are parties with them. The land was in Pilton.

[2] There is a note over William's name, "He has no land."

[3] In the margin is a note, which I read as "*usque huc.*" It is in the handwriting of the time, and I take it to be a note of some official, possibly of the Exchequer, who has perused or checked the roll, for amercements or some other purpose thus far, or can it be by Bracton himself, made during his search for authorities? That Bracton did mark in a particular way many of the existing rol :seems to be pretty clearly shown by Prof. Maitland : see Introd. to "Bracton's Note Book," .p 66.

[4] Downhead.

741. Michael Abbot of Glaston' offers himself on the fourth day against William the reeve of Glaston' on a plea of customs and service which the Abbot brought against the said William concerning the tenement which William holds of the Abbot in Glaston', and which [customs, etc.], William does not admit, and on which [plea] the Abbot brought a writ of our lord the King that the sheriff should cause a record to be made in the county [court] of the said services, etc. And the sheriff produced the record, etc. And William does not come, etc. He was sought, etc. Therefore it is considered that the Abbot [may go] without a day, and William is in mercy.

742. Emma the wife of William de Horsy puts in her place Robert Fichet against John de Brywer' and others named in the writ on a plea of dower, etc.

Memb. 13.

Pleas of the Crown at Yhevelcestr' on the quindene of St. Hilary, before Roger de Thurkileby and his companions, in the 27th year of the reign of King Henry, son of King John.

743. Englishry is presented in this county by two on the father's side and two on the mother's side, as well in respect of misadventure as in other cases, and only concerning males.[1]

THE HUNDRED OF BATH COMES BY TWELVE.

744. Adam de Forda, outlawed for the death of Thomas his brother, was afterwards taken at Kaynesham with the theft (*cum latroc'*) and there hanged. His chattels [were worth] 12*s.* 6*d.* The Prior of Bath took them, and because he took them without warrant he is in mercy. And the twelve jurors now testify that Adam never was outlawed, and by their verdict they presented that he was an outlaw, so they are all in mercy. The township of Ford are in mercy because they buried him without view of the coroners and because they have presented no finder.[2] Englishry was not presented, therefore murder. And the jury testify that Adam was hanged at Kaynesham.

[1] See Introd:

[2] If the coroners had been informed it would have been their duty to have attached the finder of the body of the slain against the coming of the justices (Bract., fo. 121b). The "township" here is spoken of in the plural number. Sometimes (*e.g.*, No. 764) the singular number is used, as if it were a corporation. For some purposes it was in fact regarded as having a collective, or almost corporate, capacity. As to the question of Englishry in this case, see Introd.

745. Robert le Gredere, of Shokerwyk', was taken on suspicion of theft and imprisoned at Ivelcestr'. He was liberated by Henry, the sheriff's clerk. Therefore to judgment upon him.[1] The jurors testify that Robert was taken through the hate and spite which one Roger de Sokerwyk' bore towards him, and that he was not guilty of any theft; and the tithing of Sokerwyk' mainprised him to have him before the justices, and they had him not. Therefore they are in mercy. Robert may come back if he wishes.

746. William le Beo was found dead on the road leading to (*versus*) the church of Wodewyk',[2] without a wound. Felise de Wodewyk', who first found him, comes and is not suspected, nor is any one else. No Englishry, etc. Therefore murder.

747. Giles? (*Gille*) Michel and Alice of Ireland, strangers and thieves (*latrones extranei*), fled to the church of Walekot[3] and confessed thefts, and abjured the realm. They had no chattels.

748. William de Yhadefenn', of the county of Wilton, killed his wife and fled to the church of Forda,[4] in this county. He confessed the deed, and has abjured the realm. He had no chattels.

749. Concerning the demesnes of our lord the King, they say that the Prior of Bath holds the township (*villatam*) of Bath of our lord the King at £30 per annum at the will of our lord the King.

750. Concerning defaults, they say that the Prior of Bath, the Abbess of Werewell', John de Chamflur', John Hose of Cherlecumbe, James Hose, Walter de Wyk', Haskoyl' de Weston, Benedict de Wodewyk', Walter de Bath', Hugh Chanu, William son of Hawise, Geoffry Hose, Thomas Sveyn, Thomas le Parker, and Peter Gargate did not come on the first day, etc.

The Manor of Cungresbyr' comes by six.

751. Eva de Kungresbyr' was bound in her house at Kungresbyr', it is not known by whom. No one is suspected except stranger thieves.

752. Isabella daughter of Pinnok' was found drowned (*submersa*) in a certain ditch against the gate (*contra hostium*) of the

[1] *Quære*, on the sheriff, or his clerk?
[2] Woodwick, a benefice now depopulated and annexed to Freshford.
[3] Walcot. [4] Bathford.

said Pinnok', and the jury presented no finder. Therefore they are all in mercy.

753. Adam Kade struck himself with a certain knife in the belly so that he straightway died. No one else is suspected. Therefore judgment *felo de se*. His chattels [are worth] 46*s*. 8*d*., for which the township of Kungres' must answer. And John de Wyka, one of the six jurors, is in mercy.[1]

754. Nicholas Kade and Edith his servant (*famula*) were attached for that death because they were in the house when the aforesaid Adam struck himself in the belly, and they are not suspected. Therefore they may go quit. And John de Wyka, one of the six jurors, is in mercy because of his lie. He made fine for ½ mark, by pledge of Adam Crok'.

The Hundred of Yhatton' comes by twelve.

755. Richard the Weaver (*le Teler*), of Yhatton, was killed on the King's highway (*via regia*) of Yhatton in the night; and John Wyne, of Clive, fled to the church of Yhatton and confessed that he killed him, and he has abjured the realm. No other is suspected. His chattels, which [were worth] 18*d*., J. Bishop, of Bath, took. Afterwards it was testified that the chattels were committed to William the Tithingman and Walter son of Gi . . , and now they have them not. Therefore they are in mercy. No Englishry was presented in the county [court]. Therefore murder. And the twelve jurors do not present a finder, and moreover falsely present Englishry. Therefore all are in mercy. And John Wyne was in the tithing of William the Tithingman, of la Wyk'. Therefore it is in mercy for the flight.

756. William Denebaud was found dead in his bed, without wound. Bissop, who first found him, comes and is not suspected, nor is any other. No Englishry, etc., and therefore murder.

757. Osbert de Clyve, William the gardiner, and Walter Lug, accused of the death of Richard de Whythand, have fled, and are outlawed upon the suit in the county [court] of Walter Whythand, his brother. They were in the tithing of William Esgar in Clive. Therefore it is in mercy for the flight. Osbert's chattels 21*s*., for which the township of Clive must

[1] The reason why he was amerced is somewhat insufficiently stated in the next entry.

answer. And the twelve jurors concealed those chattels because they only presented 12*s.* Therefore all are in mercy. The others had no chattels. Let fuller inquiry be made in the hundred of Porbyr', where the appeal was made.

758. Roger Hevel of Jatton, accused of theft, comes and puts himself upon the country for good and ill. The jury say that they suspect Roger, for that he is wont to steal oxen and sheep, etc., and is also a burglar.[1] Therefore, etc.[2] He had no chattels.

Memb. 13*d.*

THE HUNDRED OF YHATTON—CONTINUED.

759. Richard de Mora and Henry of the same, accused of this, that they are held to have found treasure,[3] come, and Richard Revel says that Richard de Mora spoke to him and asked him to go with him to a certain place called Waymerham to dig for treasure. And Richard de Mora and Henry come and defend that they found any treasure, or that they dug for treasure anywhere, and thereon they put themselves upon the country. The jurors say that they have not found any treasure, and that they are not guilty. Therefore they may go quit.

760. Thomas Maureward, Philip his brother, William Chese, Robert Porterose, Th'. le Hunte,[4] Simon the baker,[4] John son of Erriol, and Adam Scharp', whom Lewina la Frankelayn appealed of the peace and robbery, come. Lewina is dead, and no one else sues them. It is testified by the jurors that they beat her so that for a great while she lay ill, but did not die thereof, [*i.e.* of the beating.] Therefore they are all in mercy. Philip made fine for ½ mark by pledge of Thomas Maureward', and Robert

[1] So I render "burg'," which I venture to extend to *burgator*.

[2] This probably means that he is to be hanged: "sus'" in the margin. The clerk's note of the judgment is at least compendious. I do not think that it means *ad judicium*, or that the "sus'" in the margin may have been added after consideration of his case.

[3] Fraudulent concealment of treasure trove was criminal (Bract., fo. 104b). "Treasure" was an ancient deposit of which no memory existed, and which therefore had no owner. Anciently the natural right of the finder, it had become by law of nations the property of the King. If a person were suspected of having found treasure he was to be attached to be before the justices, when the truth could be declared by the country. There might be presumptions against him, *e.g.*, that he had shown more lavish expenditure, or that he had been in the possession of unusual wealth. If guilty he was to be imprisoned until he made a heavy fine to the King (Bract., fo. 120).

[4] There is a small cross over these names.

Porterose made fine for ½ mark by pledge of Stephen the Chamberlain. John does not come. He was attached by Peter Thorel and Walter le Frankelain. Therefore they are in mercy. The others were not attached because they were not found.

761. The same Thomas Maureward', [who] appealed Henry de Worthull' and Richard the son of William the Clerk, Hugh the cook, and William Ruffus of the peace and of beating, etc., came and withdrew himself. Therefore he and his pledges to prosecute, namely, Thomas le Den of Kyngeston' and William de Haghermere of Klivedon, are in mercy. He made fine for himself and his pledges for 40*s*., by pledge of Henry Cole of Kenn', Henry Maleysel, Walter Frankelayn, and Richard the Hundredman.[1]

762. The same Thomas appealed Luke brother of John the chaplain of Yhatton, and Wolward the Chapman of the peace and beating, etc. None of them come except Henry de Worhthull'.[2] Luke was attached by Richard le May of Yhatton' and Richard de la Herdewyk' of the same. Wolward was attached by Richard the Hundredman and Walter Brekebare of the same. Richard son of William was attached by Robert de la Tune of Yhatton and Silvester of the same. Hugh the Cook was attached by John the Ploughman of Aldideford' and Adam Sot of the same. Therefore all are in mercy. And the jury testify that Henry and the others are guilty of that beating. Therefore all are in mercy. Henry made fine for 1 mark by pledge of Walter Pruet of Yhatton and Henry de Chany.

763. Touching defaults, they [the presenting jury] say that John de Ken,[3] Geoffry de Maloysel, Humphrey the Franklin, and Gilbert Poyn do not come, etc. Therefore they are in mercy.

The Hundred of Chyu[4] comes by twelve.

764. William Dolling, Hawise his wife, Thomas his son, and three daughters were killed in his house at Chyu. Walter de Hamme and Robert Prentuc were taken on the indictment of

[1] The meaning of this and the next appeal appears somewhat obscure. Possibly there were two assaults, and some of the appellees took part in both. One appeal was withdrawn, and the other prosecuted to effect.

[2] See preceding entry.

[3] Over this name is written "q^{i} p bre R$\overline{y}$." Because the marginal "*mĩe*" is struck out, I presume that the interlineation applies to all the persons named. The note may be read as "*quieti per breve regis.*"

[4] Chew.

Agnes, William's daughter, and were hanged on the delivery of the gaol before the justices. No Englishry [was presented], therefore murder. It is testified that the township of Chyu did not make pursuit after them (*nō fec' sectam post eos*), as it ought to have done. Therefore it is in mercy.

765. Malefactors came by night to the house of Richard Rok and bound him and his wife, and carried off his chattels. Osbert le Wistler of Chyu released him, and Osbert does not come. Roger de Cheseford' with his tithing mainprised to have him here, and he has not got him. Therefore he is in mercy. The jurors say that Osbert is not guilty of that binding. Therefore let him be quit thereof.

766. Robert de la Forde of Chyu fell dead suddenly as he went in the way. John his son first found him. He does not come. He was attached by Robert de Chyu and Gilbert Thorald'. Therefore they are in mercy. No one is suspected. Judgment, misadventure. No Englishry [is presented,] and therefore murder. The twelve jurors concealed that matter. Therefore all are in mercy.

767. Touching the serjeanties, they say that William de Welleslabe holds the whole bailiwick of Somerset on the east of the Peret in fee of the King and renders annually to the King one sparrowhawk or 4*s*.

768. The Abbot of Keynsham does not come; John Bratache, Thomas de Hautevill, Henry Dowaddon', Robert de Sancta Cruce, and Adam de Grenevill' do not come, etc. Therefore [they are in] mercy.

The Hundred of Wynterstok'[1] comes by twelve.

769. The house of Sybil Hub[er]t was burned at Worspringe, and Sybil was burned in it. Walter son of Matilda, who first discovered (*perpendit*) the fire, comes, and is not suspected, nor is any one else. It was testified that the house was burned by misadventure. Therefore [judgment] misadventure.[2]

770. Richard Sarii killed Robert de la Wye, and fled. Therefore let him be exacted and outlawed. He was not in tithing, but he was harboured in the vill of Wurth' without

[1] Winterstoke.

[2] "*Infort*'" is written in the margin, but no "*murdrum*," as usual in such cases.

frankpledge. Therefore the township is in mercy. He had no chattels.

771. Alice de Lacy killed Christiana Ruffa and burned her house, and fled. Therefore let her be exacted and waived. Her chattels were [worth] 2*s.*, for which Ivel de Waletorta, the sheriff, must answer. The township of Northton' harboured Alice after the deed. Therefore it is in mercy. And the twelve jurors falsely presented one Walter the Parson as the finder, and the coroners testify that one William le Wick' of Northon was the first finder. Therefore the jury is in mercy for its false presentation. And William the messer (*messarius*[1]), accused of the death of the said Christiana, comes and defends the whole, etc., and puts himself upon the country. And twelve jurors and four neighbouring townships come and say upon their oaths that he is not guilty. Therefore he is quit thereof.

772. Ranulph Cyssor of la Sute of Wynescumbe was found killed in la Svete of Wynescumbe. William Bal, accused of that death, comes and defends the whole, etc., and puts himself upon the country. And twelve jurors and the four neighbouring townships come and testify that he is not guilty. Therefore [he is] quit. And Ralph Ruffus, the first finder, comes, and is not suspected. It is not known who killed him. No Englishry [is presented], therefore murder. And the township of Cumptun' did not make pursuit. Therefore it is in mercy.

773. Roger son of Jul' wounded Martin de Fonte so that after a fortnight (*post quindenam*) he died thereof. [Roger] fled.

[1] This word is variously rendered by glossaries, as "mower," "reaper," "farm bailiff." Lambarde, in a note in Rawl. MSS., B. 471, at Oxford, quoted in the Introduction to "Walter of Henley," ed. Lamond, p. xxxvj., says that a messer was "an overseer of husbandrie." See also "*Memorandum quod omnes predicti, qui tenent tenementa cum dimidia virgata terræ non portabunt officium præpositi vel ballivi sed erit messor, Anglice tethingman*"; Extent, printed in Scrope's "Hist. of Castle Combe," p. 214, quoted in the above book, p. 163. See also "Promptorium Parvulorum" (Camd. Soc.), *subtit.* "Heyward," p. 234: "a keeper of the cattle in the common field who prevented trespass on the cultivated ground. Ly messiers ad les chaumps en cure." Bp. Kennett observes that there were two kinds of *agellarii*, the common herd-ward of a town or village, called *bubulcus*, who overlooked the common herd and kept it within bounds, and the hayward of the lord of the manor, or religious house, who was regularly sworn at the court, took care of the tillage, paid the labourers, and looked after trespasses and amercements. He was termed the fields-man or tithing-man, and in 1425 his wages were a noble." (*Ib.*) Does not hayward, not herdward, mean hedgeward, from hay, a hedge, and that whether or not he had other duties at times? See as to the duties of a hayward, "Seneschaurie" in "Walter of Henley." It is perhaps better to use in this place the neutral term "messer," which is the word used in the translation of "Walter of Henley."

Therefore let him be exacted and outlawed. He was in the tithing of Robert Patrik of Hutton. Therefore it is in mercy. The township of Hutton did not make pursuit. Therefore it is in mercy. Roger had no chattels. Alice wife of the said Martin, who appealed Roger for the death of her husband, did not prosecute beyond one county [court]. Therefore she and her pledges are in mercy, but because Alice is a pauper her amercement is pardoned. Let her pledges be amerced, to wit Thomas le Cran of Hutton and William le Maier of the same.

Memb. 14.

THE HUNDRED OF WYNTERSTOK'—CONTINUED.

774. Richard Passy was found drowned in a certain ditch in Banewell, called Lunesthef. No one is suspected. No Englishry, therefore murder on Banewell.

775. Reginald the Clerk of Harpetre fell from his horse so that he died. No one is suspected thereof. Judgment, misadventure. The price of the horse is 3*s.*, for which the aforesaid sheriff must answer.[1]

776. Unknown malefactors burgled (*burgaverunt*) the house of Victor de la Hale and bound Victor, and likewise Erneburga his wife and Robert his son. Victor does not come, and he was attached by Henry de Oterige and Theobald de la Stane of Wynescumbe. Therefore they are in mercy. And Erneburga comes. The others are dead.[2]

777. Henry de Cumpton' is suspected of the death of Richard son of Gilbert, who was killed in the hundred of Well'. Therefore let him be exacted and outlawed. He had no chattels. He was in the tithing of Geoffry de Duneheved of Cumpton'. Therefore it is in mercy. And Ralph de Brecton, attached for that deed, does not come. Therefore he and his pledges, to wit, Henry Seward of Cumpton' and Geoffry Dunheved of the same, are in mercy. Afterwards it is

[1] The horse is the "bane" or the slayer (Bract., fo. 116), and as a deodand its value must be devoted to some pious use. "In the thirteenth century the common practice was that the thing itself was delivered to the men of the township in whose territory the death occurred, and they had to account for its value to the royal officers" ("Hist. of Eng. Law," Vol. ii, p. 471). Sometimes the justices named the purpose to which it was to be applied.

[2] This statement is probably a postscript.

testified that Ralph is sick, and the jurors say that he is not guilty.

778. Touching suits withheld, they say that the Prior of Saint Swithun of Wynton' withdrew his land of Bledun' from suit to the hundred [court] to which he formerly was wont to do suit. Therefore it must be discussed. Afterwards the steward of the Prior comes and says that the Prior is quit of that suit by the charter of our lord the King which he has.

779. Touching defaults, they say that Henry Engaine, Nicholas de Bolevill', Thomas de Bello Campo, and Henry Huse did not come on the first day. Therefore they are in mercy.

780. Brother Gregory of la Houme and Robert his brother, accused of larceny, withdrew themselves, and they are suspected of larceny (*de latrocinio*). Therefore let them be exacted and outlawed. Brother Gregory was not in tithing, nor was his brother, because they were lay brothers of Priory of la Houme, and because the Prior has them not to right, to judgment on the Prior.[1]

781. Unknown malefactors burgled the house of Robert Peregrine of Blakedon. It is not known who the malefactors were. The jury concealed that matter. Therefore they are in mercy.

The Manor of Bledon' comes by six.

782. They say nothing that should not be said [*i.e.* presented] before, [*i.e.* by the jury of the hundred.]

The Hundred of Ceddre[2] comes by twelve.

783. Walter Harald' was wounded in his house at Ceddre by unknown malefactors. The jurors of Ceddre and of Wynterstoke say upon their oaths, that they know that men of Alan La Sutche killed him by the order of Alan himself, but they do not know who the men were.

784. Malefactors killed Roger son of Palmer and Agnes his wife, and Joan and Isabella their daughters in his house at Stokes. Alice, Roger's mother, the first finder, comes, and is not suspected. Englishry was well presented. John Black (*Niger*) of la Radeclive, accused of that death, fled, and was

[1] The Prior was bound to produce all of his household or mainpast.
[2] Cheddar.

outlawed upon the suit of William, Roger's father. He had no chattels, nor was he in tithing. And inasmuch as the jurors first testified that he was a dweller (*manens*) at la Radeclive and now testify that he was journeying (*itinerans*) and was not resident in any place, therefore they are in mercy. And Henry de Barne, who was suspected of the said death, comes and defends everything, and puts himself upon the country. The jurors testify that he is not guilty. Afterwards it is proved that the aforesaid John abode at Stokes Giffard after he stole the oxen of Roger's father. Therefore the township of Stokes is in mercy. And whereas the coroners of the county record that the third county [court] before John was outlawed was put at the fifth week,[1] and thus they injured the said William, who was suing for the death of his son, therefore to judgment on the county.

785. Elyas Cute and Walter de Stoke entered the house of Edith, widow, of Draycote, by night, and carried off the chattels they found there. Shortly afterwards they were taken at Draycote, in the hundred of Ceddre, and they were hanged by judgment of the same court. The Bishop of Bath had their chattels for that, etc. Adam Cute and Walter Cute, his son, attached for associating with Elyas, come and defend everything, and put themselves, etc., and the jurors testify that they are not guilty of receiving nor of associating (*de rec' nec de soc'*) with Elyas and Walter. Therefore they are quit. Ralph Cute, son of the said Adam, fled to the church of Axebridge and confessed that deed, and abjured the realm. His chattels were [worth] 5*s.* 6*d.*, to wit, one chest (*una arca*) and a cow, for which chattels the sheriff must answer to the extent of 6*d.* The Bishop had the cow. And because the township of Stokes Giffard concealed that cow, it is in mercy. Afterwards it is testified that Ralph Cute first fled to the church of Ywelaund (*or perhaps* Ylbelaund), and thence escaped. Therefore to judgment for the evasion. Let further inquiry be made by the liberty of Glaston'. The jury concealed that matter. Therefore it is in mercy.

786. Touching purprestures, they say that William Galopin occupied half an acre of the moor of our lord the King in Ceddre. Therefore he is in mercy. Afterwards it is testified that the Bishop of Bath had that moor in fee of our lord the King. Therefore no amercement.

[1] The usual meetings of the county court were monthly.

787. The jurors present that the Abbot of Glaston broke three fisheries (*fregit tres piscar'*) in the water between Glaston' and Radeclive, so that he made them wider at the entrance and outfall than they were wont to be before. And this he did by his boats (*naves suas*). Therefore it must be discussed.

788. Geoffry Ruffus, David Strapye, William Spileman, Daniel de Cranmer, and Walter Puleyn[1] are suspected of larceny, and have fled. Let them be exacted and outlawed. Geoffry was in the tithing of Simon Mathew in Ceddre. Therefore it is in mercy. His chattels 10*s*. Richard parson of the church of Ceddre had them, and is dead. Therefore nothing. David was in the same tithing, and had no chattels; William was in the same tithing, and had no chattels. Daniel was in the tithing of Adam Cromer of Ceddre. Therefore it is in mercy. He had no chattels. Walter Puleyn was in the tithing of Robert Dolle. Therefore it is in mercy. He had no chattels.

789. Touching defaults, they say that Robert de Galemore did not come on the first day. Therefore he is in mercy.

Memb. 14*d.*

THE BOROUGH OF AXEBRIGE COMES BY TWELVE

790. And says nothing that should not be said [*i.e.* presented] before [*i.e.* by the jury of the hundred] except that John de Fonte has sold wine contrary to the assize. Therefore he is in mercy. They also say that Martin Gorewy has sold wine contrary to the assize. Therefore he is in mercy. And whereas the twelve jurors[2] concealed that [matter], therefore they are in mercy.

791. Walter de Lange, indicted for harbouring thieves, comes and puts himself upon the country for good and ill. The jurors say that he is not guilty; therefore he is quit thereof, because it [the indictment] was inspired by the hate which Henry de Erlegh felt towards him for his, Henry's, brother's sake by reason of a certain pasture.

THE MANOR OF BAGEWURTH' COMES BY FOUR

792. And says nothing that should not be said before.

[1] See No. 1021, *infra*.

[2] Of the hundred.

THE STREET[1] (*vicus*) OF LA RADECLIVE, WHICH IS OF THE SUBURB OF BRISTOLL'.

793. Agnes, formerly the wife of Adam Patok, fell from a certain window so that she died. No one is suspected thereof. Judgment, misadventure. The twelve jurors have presented no finder. Therefore they are in mercy.

794. Matilda de Exon appealed William le Wyld that by force he deflowered her, and now she comes and sues against him. William does not come. He was attached by Peter le Cornwall, Benedict le Taynturel, Richard le Kamber,[2] Richard de Bradestrete, William le Strogain in (*sic*) Bristoll', and Maurice le Blund. Therefore all are in mercy. The jurors testify that he is guilty. Therefore it is said that Matilda may sue against him in the county [court] if she wishes until he be outlawed.

795. Nicholas de Cantuar' and Richard of the same killed Walter the weaver (*Tixtorem*) in the borough of Bristoll'. Nicholas fled to the church of the Hospital of St. John, and Richard fled to the church of St. Thomas. Both confessed the deed, and abjured the realm. They were harboured in the street of la Radeclive, without tithing and without custody. Therefore it is in mercy, to wit, la Radeclive. Nicholas's chattels *2s.*, Richard's *6d.*, for which the sheriff must answer.

796. Amice, formerly the wife of William the Fuller, had the falling sickness (*morbum caducum*). She fell dead in the house of Clarice, who was the wife of Nicholas le Kambere. No one is suspected thereof. Judgment, misadventure. The jurors have not presented any finder on the roll, and it is testified that other men were in that house, and because they were not attached, William Gape, bailiff of Thomas de Berkeclaye of la Radeclive, and the coroners,[3] are in mercy. To judgment on Thomas de Berkelaye, whose bailiff William is.

[1] The use of the word *vicus* in this roll is confined to Redcliffe. What is a *vicus?* Prof. Maitland in his most recent work says: "Suppose for a moment that in England there were many villages full of free landholders: what should they be called in Latin? They should, it is replied, be called *vici;* and they should not be called *villæ*, for *villa* is an estate. . . . The *villa* is an unit in a system of property law, and, if your village is not also an estate, a *praedium*, then you should call it *vicus*, not *villa*. . . . It is often used to distinguish a hamlet or small cluster of houses separate from the main village." "Domesday Book and Beyond," p. 333, and note. In the thirteenth century "street" is perhaps a safer rendering.

[2] *Quære*, is this man a "Cambrier"? See Ducange, sub-tit. "*Hospes.*"

[3] In 1221 there seems to have been but one coroner for Redcliffe: "*Isti remanent coronatores in Bristollia Michael Bohulk et Thomas Michel in Radeclive et*

797. Henry de Sanford fled to the Hospital of St. John and confessed the theft of two fish called hake. He abjured the realm, and therefore to judgment on the coroners.[1]

798. Two horses were tied to the pillory (*ad pillorium*) in the street which is of the Templars (*in vico qui est Templariorum*). They broke their halters (*pannos*), and crushed a certain boy to death. The bailiffs and coroners of la Radeclive dared not attach the horses or the pillory which fell on the boy, because of the Templars. Therefore to judgment. And it is testified that the horses are in custody of the Templars. Price of the horses, 10*s.*, for which the Templars must answer; price of the pillory, 2*s.*, for which the Templars [must answer]. And be it known that the men of the Templars did not come before the justices to answer for anything, nor would the Templars themselves allow any bailiff of Bristoll' to enter their land to make any attachment. Therefore to judgment. Afterwards the Templars paid 12*s.*, which the sheriff received, and for which he must account.[2]

799. Walter de Marefeld was attached upon the accusation (*dictamentum*) of Walter de Brokebir', a thief, who was hanged at Bristoll. Afterwards Walter became approver, and was taken to Yvelcestr' and delivered to the bailiffs of Herbert son of Matthew, who was then high sheriff (*vicecomes capitalis*). It is not known what became [of him]. Therefore let full inquiry be made. Walter's chattels, 8*d.*, for which the sheriff must answer.

800. Luke de Wodeford' and Mabel la Bissop were taken

Rogerus Fellarde et Willelmus le Taillur ultra pontem" ("Pleas of the Crown for the County of Gloucester," Maitland, p. 117); but in this roll we have two. See *post*, No. 807.

[1] It does not appear from the entry why the coroners were in default. Perhaps there was some neglect in their attendance to take the fugitive's abjuration.

[2] The Templars of Bristol seem to have been troublesome people. In the rolls of the Gloucestershire Eyre (5 Hen. III., A.D. 1221), edited by Prof. Maitland, the tenants of the Templars in Redcliffe were summoned to answer, with the burgesses of the latter place. They did not come on the first day, and were therefore held to be in mercy. They appear to have claimed to answer by themselves and not with the burgesses; but it was shown that they were accustomed to answer with others, and that they ought to do so, either in Bristol or in the county of Somerset, at the will of the King. Then they said they would not answer with the others of Redcliffe outside the county of Somerset, but they admitted that when the justices were in Somerset they had refused to answer (p. 116). Prof. Maitland says that this must have been in 1218–19 (p. 155). We do not seem to have the record of that eyre. In the present case we do not find a record of the judgment, if any, passed upon them; but a marginal note, "xijs. ddd," shows that the 12*s.* paid to the sheriff represented the deodand.

with the theft (*cum latrocinio*) at la Radeclive. Mabel was hanged. She had no chattels. Luke became approver, and was sent to Yvelcestr' and delivered to the bailiffs of Herbert son of Matthew, who was then high sheriff. Therefore let him answer [for Luke].

801. William de Schepeton' and John Curmalin were struggling together (*luctati fuerunt simul*) in the house of Elyas Cuch', and William threw John on the ground, so that on the third day he died. The jurors testify that John was so hurt by that fall that he died thereof. Therefore let William be exacted and outlawed. He was not in tithing, and had no chattels, because he was a stranger (*extraneus fuit*).[1]

802. Richard the fisherman was drowned from a certain boat in the Avon (*aqua de Avene*). No one is suspected thereof. Judgment, misadventure. Price of the boat, 5*s*., for which the sheriff must answer.

803. Simon de Bristelton' was scalded (*scatalizatus fuit*) in a certain cauldron (*caudera*) so that he died. No one is suspected thereof. Price of the lead ½ mark, for which the sheriff must answer. No Englishry. Therefore murder.

804. John Scrogaine struck Robert de Cumba with a certain knife (*Knipulo*) in the belly, and straightway fled to the church of St. John in Bedemenistr', confessed the deed, and abjured the realm. He was dweller in the vill of Bristoll' with his mother. It must be discussed. And be it known that the coroners gave him the port of Dover.[2] This must be discussed.

805. John Levine hanged himself in his house in La Rade-

[1] Observe that nothing is said as to whether the homicide was a misadventure or otherwise. John did not face the judges, and he is to be outlawed. He might have obtained a writ to the sheriff or coroners to hold an inquest whether his act was felonious or not, or the justices might themselves have made an inquest, for this was before the Statute of Gloucester. Even had it been misadventure he would have needed the royal pardon to re-habilitate him. I prefer to use the wider term "struggling" rather than "wrestling," which suggests sport rather than anger. By the Statute of Gloucester (6 Edw. I.) writs of inquest were to be no longer issued, but the man was to be kept in prison until the next coming of the justices, when he had to put himself upon the country; and if it were found that the killing was done in self-defence, or by misadventure, the justices were to report to the King, who could pardon, and did apparently as a matter of course.

[2] As the port from which he was to leave the realm. Bracton says (fo. 135b) that the fugitive selected the port himself. Dr. Gross ("Coroners' Rolls," Seld. Soc., p. 9, note 2) says that since the latter part of the reign of Edward I. the coroners assigned the port. This case seems to anticipate the later practice, and perhaps this was why the justices reserved the matter for further discussion.

clive. Judgment, *felonia de se ipso*. His chattels, 2*s*. 6*d*., for which the sheriff must answer.

806. Sellers of cloth at Raddeclive against the assize:—Adam Halfurling', Nicholas Sachel, William de Flexlegh', Peter Corub', Ralph de Konintre, Roger de Flexlegh, William Ruffus, Robert son of the priest, John Gilbert, Fulk Gallinarius, Thomas le Teller, Machtill' Estmer, Thomas Young (*Juvenis*), Elias de Haegeham, Alimona (?) de Parys, Walter Blund (*Blundus*), Mary de Devere, Gilbert Norens, Ralph de Kent, Walter le Monec, the relict of Thomas Filturar', Richard Sakel, Richard the clerk, Roger the clerk, Ralph Tinctor, Henry Blakeman, Richard Boydin, Alfred (*Alvredus*) de Aiston', Susanna, William le Gappe, Walter de Beministr', Thomas Nuttelune, Peter de Dorset, Walter de Chepstowe, John le Franceis, Adam de Wedmer', Walter (*Tinctor*), Robert Wefrich, John Brun, the relict of Alexander le Skot, Richard Bernard, and David la Warre have sold cloths against the assize. Therefore they are in mercy.

807. These remain as coroners, to wit, Elyas Estmere and John le Irreyes.

808. The names of those who dwell on the fee of the church of la Raddeclive:—John Thorban, Geoffry son of Alexander Ruffus, the relict of Herindus Cut, and Robert Lunel.

Memb. 15.

THE HUNDRED OF BEDMINISTR' COMES BY TWELVE.

809. Elyas le Brun was wounded at Bristoll' so that he quickly died. It is not known who wounded him, and he was buried without view of the coroners. Therefore the township of Bedemenstr' is in mercy. Alice wife of Elyas, and John Pinzun his servant, were attached for this. The jury concealed it. Therefore they are in mercy.

810. Agnes, the servant of Lucy Lampreye, having the falling sickness, fell into a certain tun (*tina*) full of *grute*[1] (or *crute*) so that she was scalded (*scatulizata fuit*). Judgment, misadventure. The price of the tun, 3*d*., for which the sheriff must answer.

[1] The initial letter of this word is a capital letter. The capital G and capital C are exceedingly alike. I suggest that the explanation of the term may be found in Ducange, Glos., *sub. tit.* "*Grutum = leguminis species, condimentum cerevisiæ*," in fact that brewing was in progress.

811. Thomas de Fibele appealed Ralph the tailor of wounds, and does not come. Therefore he and his pledges to prosecute, namely, William Trunket of Draycote, and John Thiral of the same, are in mercy. Likewise Ralph does not come. He was attached by Reginald de Legge and Thomas Hayrun of the same. Therefore all are in mercy. And because it is testified that they are agreed, let both be taken. Afterwards Ralph comes, and because it is testified that they are agreed, let him be in custody. Afterwards Thomas de Fibele comes and makes fine for his amercement for 20*s*., by pledge of William de Aston, Walter de Stihelnaye and Thomas Heyrun'.

812. The same Ralph the tailor appealed the aforesaid Thomas and Robert his man, George de Fubele, and John de Cedinton of the peace of our lord the King, and of wounds. Ralph now comes and pursues his appeal. George and the others do not come; therefore they and their pledges are in mercy. George was attached by Bartholomew de Euenberg', and his other pledge is dead. The same George mainprised all the others. Upon this comes Adam de Eston' and proffers a writ of our lord the King of protection for the aforesaid George for that he is in parts beyond the sea with him. Therefore it must be discussed. Afterwards Ralph the tailor came and made fine for 40*s*. by pledge of William de Ayston', Adam de Ayston, Walter de Selewaye, and Thomas Hayrun.[1]

813. A certain Geoffry, a preaching friar (*frater predicator*), was drowned in the water of Bisscopewurth', and was buried without view of the coroners. Therefore the township is in mercy. Richard Queynterel, serjeant of the hundred, was then present, and did not attach the first finder. Therefore he is in mercy. No Englishry. Therefore murder.

814. Martin the shepherd was found killed at his fold. It is not known who killed him. No Englishry. Therefore murder. Adam de la Pille, Robert de la Pille, and Robert Scorie falsely presented Englishry. Therefore let them be in custody. Richard de Langeford, then sheriff, when he made inquest on that death took 100*s*. from the tithing because he [Martin] was without tithing, and because the men of that tithing came in insufficient number to the inquest. And moreover he took from Adam Thedhayrd 1 mark, and took him at Bedeministr' and put upon

[1] This fine was probably paid to obtain his release from the custody ordered in the preceding case.

him that he had killed his wife. And Richard de Langeford comes and fully confesses that he took the aforesaid [Adam] as is said. Therefore to judgment upon him. William Alverede, the first finder, comes and is not suspected. Afterwards Adam de la Pille and the others come and make fine for 1 mark by pledge of Roger the reeve and Martin son of Haldgar.

815. Touching defaults, they say that Maurice de Berkele and William de Bello Monte did not come on the first day. Therefore they are in mercy.

THE HUNDRED OF WELL'[1] COMES BY TWELVE.

816. Emma wife of Walter de Gardino and Robert her son were crushed to death by a certain wall which fell upon them. No Englishry: therefore murder. And the twelve jurors falsely presented Englishry and likewise a false finder. Therefore all are in mercy.

817. Henry servant of Ralph de Britton killed Gilbert son of Richard Scuringe, and fled. Therefore let him be exacted and outlawed. His tithing was elsewhere, in the Hundred of Winterstok'. The jurors testify that William son of Ralph de Britton commanded Henry that he should kill the said Gilbert, wherefore he [William] was delivered to the Bishop of Bath. It is not known what the Bishop did therein; and because it is uncertain whether he was punished for that transgression, let him be exacted and outlawed.

818. Concerning purprestures, they say that the Abbot of Glaston broke fisheries (*fregit piscarias*) of our lord the King in the water of the Axe, since the death of the Bishop of Bath. Therefore it must be discussed.

819. Walter the writer (*scriptor*), Warine de Bristoll, John Tyrel, and three other stranger thieves, fled to the church of Chirchehull'[2] after they had robbed William de Churchehill', and abjured the realm. It is not known who they were, but let full inquiry be made concerning John Tyrell' upon Well'[3] (*super Well'*).

820. Richard Young (*Juvenis*) appeals John de Welle that he, on Sunday next before the feast of St. Kalixtus the Pope, beat him and shamefully (*turpiter*) treated him and imprisoned

[1] Wells.
[2] Churchill.
[3] I take it that the inquiry is put upon the jury of the hundred.

him in his house for two days. And on this he puts himself upon the country. And because he does not offer to deraign by his body, the appeal is null. Let inquiry be made. The jurors testify that John is not guilty, but that Richard[1] beat him [John] and shamefully treated him. Therefore John is quit, and Richard is in mercy. Let him be in custody. Afterwards Richard comes and makes fine for 20*s.* by pledge of Osbert the reeve of Mellens, Robert le Prest of the same, Osbert de Crofta of the same, and John Uppehill' of the same.

821. Concerning defaults, they say that William de Straton[2] did not come on the first day, so he is in mercy. They say that Agatha de Corescumbe and Geoffry de Dunerre did not come on the first day; therefore they are in mercy.

822. John the hayward, accused of larceny, came and defended everything, etc., and put himself upon the country and upon the four nearest vills for good and ill. The jurors say that he is a thief. Therefore, etc.[3]

823. Ralph Chobbe was suspected of larceny, and fled. Let him be exacted and outlawed. He was in the tithing of Richard Kippinge in Dultingcote.[4] Therefore it is in mercy. His chattels were [worth] 34*s.* 6*d.*, for which Richard de Dultingcote the tithingman must answer.

824. William and Cicely de Wynchalse fled to the church of Behenhanger,[5] confessed themselves to be thieves, and abjured the realm. They were strangers, and had no chattels. The jurors concealed this. Therefore they are in mercy.

The Borough of Well comes by twelve.

825. Gregory de Slunbrige, clerk, broke into two coffers in the house of Enyilde de Cycestr'. Afterwards he was degraded (*degradatus fuit*) for that deed. William Horne, accused of participation (*de consensu*), comes and is not suspected. Therefore he is quit.

826. Richard Buschel and John Buschel were guests (*ospitali fuerunt*) in the house of William son of Jordan and William Palmer in Well. Afterwards they were found killed on Mune-

[1] The roll has "*predictus Robertus*," an evident mistake for Richard.
[2] Over this name is written "*languidus est*" = he is sick.
[3] We scarcely need the marginal note "*susp*" to explain this laconic entry of the judgment.
[4] Dulcot, a tithing of Wells.
[5] Binegar.

depe. William and William come and defend that they know anything of the death of them [Richard and John], and put themselves upon the country. The jurors say that they are not guilty, so they are quit.[1]

827. Three men and four women, strangers, were guests in the house of Thomas Imme of Well'. They behaved foolishly (*stulte gesserunt*), and were attached and taken before the hundred [court]. Two of the women, against whom there was no suspicion, nor upon whom was any theft found, were quitclaimed by judgment of the hundred. After this the two women straightway put themselves in the church of Well', confessed that they were thieves, and before William de Wellesle and without [presence of] the coroners abjured the realm. Because William acted as deputy coroner without warrant, he is in mercy. And likewise the township of Well' is in mercy because it allowed them thus to depart.

828. Concerning cloths sold, they say that Geoffry de Brideport has sold cloths and wine against the assize. Therefore he is in mercy. Likewise William Buche and Thorstan de Suthover have sold wine against the assize. Therefore they are in mercy.

829. Geoffry the carpenter is in mercy for his foolish speech[2] (*stultiloquio*).

Memb. 15*d.*

THE BOROUGH OF WELL'—CONTINUED.

830. Walter the Scot (*Scoticus*), Roger Andrew, and Nicholas Payne, arrested for larceny, come and defend everything, and put themselves upon the country. The jurors say that they are not guilty. Therefore they are quit. And because they were brought before the justices by the twelve jurors, and they [the jurors] did not know their names, therefore to judgment on them [the jurors].

THE HUNDRED OF WELWE[3] COMES BY TWELVE.

831. The house of Richard de Durecote at Durecote was burned, and Richard's wife and son were burned in that house.

[1] If guests be seen to go into a house and are not afterwards seen alive, the owner of the house, if then at home, or others of his family, cannot escape capital punishment unless discharged by verdict of the country "*si justitiarii perspexerint veritatem per patriam debere inquiri.*" (Bract., fo. 137b.)

[2] *Quære*, or foolish suit.

[3] Wellow.

No one is suspected. Henry de Durecote, the first finder, does not come. He was attached by John de Lipehet and Richard de Chatele. Therefore they are in mercy.

832. A certain beggar woman was hurt to death by a branch of a tree which fell upon her. The price of the branch is 5*d.*, for which the sheriff must answer. Neither the sheriff nor the coroners made any attachment. Therefore to judgment upon them. And be it known that Thomas de Cyrencestr' was then sheriff.

833. John de la Cumbe was found drowned in the water of Welwe. Alditha his wife was the first to find him, and does not come. Therefore she and her pledges, namely, Roger de Eswelbrig and William le Kinge of the same, are in mercy. No Englishry. Therefore murder. The twelve jurors presented that he was English. Therefore all are in mercy. John was buried without view of the coroners. Therefore the township of Foxecote is in mercy.

834. Augustine de Twyuerton killed Alice his wife, and straightway fled. Let him be exacted and outlawed. He was in the tithing of Alwin de Twyuerton in Twyuerton. Therefore it is in mercy. His chattels [were worth] 42*s.* 6*d.*, for which the sheriff must answer.

835. Malefactors wounded William le Wylde outside the vill of Welwe, so that after eight days he died.

836. Jul' daughter (? *fil.*) of Gilbert de Cherleton found a certain unknown man dead. It is not known who killed him. No Englishry. Therefore murder. A certain razor was found near the dead man, which was delivered to Robert Sleg, then tithing-man of Wodeberg' and Segelinge, so that he should have it before the justices. Because he had it not, he and his tithing are in mercy.

837. Unknown malefactors killed Walter Cusin near the wood of Writhlington'. Godfrey de la Ware is suspected of that death. Therefore let him be exacted and outlawed. Walter le Nayr was hanged for the death. Nothing is known of the chattels or tithing of Godfrey, because he was journeying, and was of the County of Gloucester.

838. Edith daughter of William was scalded in a certain tun full of hot water. No one is suspected. Judgment, misadventure. Price of the tun, 4*d.*, for which the sheriff must answer.

839. Touching the evasion of thieves, they say that Adam

Wyther and William le Bocher were taken by Henry de Karevill' and Nicholas, serjeants of our lord the King in the hundred of Welwe, and they were delivered in custody to the house[1] (*fuerunt traditi in custodia in Cur'*) of Alexander de Monte Forti, and from that custody they escaped to the church of Welwe, and from the church they escaped and fled into Wales. Therefore to judgment for those escapes.

840. Nicholas de Ingelbache, arrested for larceny, comes and defends everything and puts himself upon the country and the four neighbouring townships. The jurors say that he is not guilty ; therefore he is quit.

841. Touching defaults, they say that the Prior of Bath, Robert Gurnay, Agatha de Halesweye, William le Chanu, John Bretache, Peter the cook,[2] Thomas de Hautevill, Eustache de Cumbe, Robert the weaver (*Tyxtor*), Osbert de Nuny, Alexander de Wavill', and William de Monte Forti did not come on the first day. Therefore they are in mercy.

THE HUNDRED OF BEDNESTANE[3] COMES BY TWELVE.

842. Warin the clerk wounded Martin Yllebert so that he died. He [Warin] was taken by Ralph de Wellesle and Henry the bailiffs of Kokerre, who delivered him to the township of Herdinton'. Warin escaped from them. Therefore Ralph, Henry, and the township are in mercy. Warin fled to the church of Herdinton', and abjured the land. He was not in tithing, but he had chattels [worth] 23*s.* 8*d.*, for which the sheriff must answer. And because Warin paused [*fecit moram*] in the vill of Merke[4] after the deed, and they did not take him nor attach him, the township of Merke is in mercy.

843. Edith, formerly the wife of William le Roke, was drowned in the water of Huberde Were. William her husband was present and saw this. Because the township of Weddemore presented another finder, it is in mercy. No one is suspected. Judgment, misadventure.

844. Ernisius son of Agnes de la Wall was found drowned in a certain ditch at Waubrige. Agnes his mother first found

[1] *Curia* here means the manor or court house, I think.
[2] Over this name is written "*paraliticus est.*"
[3] Bempstone.
[4] Mark.

him, and she is dead. No Englishry was presented. Therefore, murder. And because the jurors falsely presented Englishry, they are in mercy. William Illebert untruly presented himself as a kinsman. Therefore he is in mercy, by pledge of William de Marisco and Robert Russel. He made fine for ½ mark.

845. Unknown malefactors burgled the house of Mathew the chaplain at Burnham, and killed Thomas his brother, and there bound Walter the clerk, Robert Blund (*blundum*), John son of David, William son of Mabel, and Isabella daughter of Mathew. None of them come. And because it is testified that the sheriff enjoined the liberty of the Dean of Wells that they should attach them, and nothing was done therein; therefore to judgment on the liberty.

846. Alice, formerly the wife of John Teri,[1] and who is dead, appealed William son of William de Polet of the death of her husband. William was suspected of that death, and fled. Therefore let him be exacted and outlawed. He was not in tithing, because he was a free man. He was of the mainpast of the said William his father. Therefore he [the father] is in mercy. He had no chattels. And because the township of Polet made no pursuit after him, it is in mercy.

847. A certain thief, Adam by name, stole cloths from the house of Roger Helt of Were. He was seen, and the hue being raised, he fled to the church of Were, confessed the theft, and abjured the land. The township of Were made no suit after him nor presented the matter to the county [court]. Therefore the township is in mercy.

848. Margery daughter of Aline Wytecote appealed Ralph the carter, Geoffry Penewine, and Walter de la Pe . . of the peace and robbery. And she appealed William son of Peter of rape. She does not come, and has no pledges beyond her promise (*nisi fidem*).[2] All the appealed come. The jurors testify that they [the parties] have agreed. Therefore let all be in custody. Afterwards they all come and make fine for 40*s.* by pledge of Nicholas de la Pele and Ranulf de Wedmore.

849. Henry le Norreys of the county of Stafford fled to the church of Hywys, confessed himself a thief, and abjured the realm. He was not in tithing because he was journeying. His chattels [were worth] 63*s.*, for which the sheriff must answer.

[1] This name is written thus: "*ꝑri.*"
[2] See note to No. 719, *supra*.

850. All the hundredors and all the jurors of the manors of Estperet who did not make . . .[1]

Memb. 16.

HUNDRED OF BEDNESTAN'—CONTINUED.

851. Richard de Aula of Brene, and John and William his sons, were suspected of theft of three sheep, and fled. Therefore let them be exacted and outlawed. They were in the tithing of David de Breene. Therefore it is in mercy. Richard's chattels [were worth] 40*s.* 4*d.*, for which William Everard must answer, by pledge of William de Cuntevill' and Terric[2] de Burnham.

852. Walter Cobbe appealed John the serjeant of Blakeford (*servientem de Blakeford*) for that he, John, impounded (*parcavit*) five oxen, so that by such impounding they died, and on this he put himself upon the country. And because that appeal was null let inquiry be made by the country concerning the transgression. The jurors testify that the aforesaid John took the oxen and detained them against gage and pledge, and as such he chased and beat them so that they died. Therefore let him be in custody. Afterwards John came and made fine for ½ mark by pledge of Robert Russel of Alverington'[3] and Walter Cobbe.[4]

853. Richard de Cuntevill' appealed Nicholas Eylward and Matilda his wife of breach of the peace of our lord the King and robbery. And now Richard comes and sues against them. Nicholas and Matilda do not come. They were attached by Walter Emeri, Walter Tortemayns, and Richard de Alverington.[5] Therefore all are in mercy.

854. John de Modeslegh' appealed the aforesaid Nicholas

[1] This is an incomplete entry.

[2] "*Pici*" in the original.

[3] Allerton.

[4] Walter was wrong in his procedure, but the entry is not sufficiently explicit to show on what ground his appeal failed. Notwithstanding the failure the justices inquired into the matter, possibly because it was put forward as a breach of the King's peace, and as such ought not to be allowed to pass without remedy, although the appellor himself could not proceed, as in the case of the death of an appellor, or where he has made default, or has retracted. (See Bract., fo. 142b, also fo. 148b.)

[5] Over Emeri's name is written "*ob*" (*obiit*), over the next name "*nescr*" (*nescitur*), and over Richard's "*nich*" (*nihil*). The marginal note of the fact of amercement is struck out.

and Matilda of the peace, etc. Now he comes and sues against them. They do not come. They were attached by the aforesaid pledges. Therefore all are in mercy.[1]

855. The same Nicholas Aylward[2] appealed Richard de Cuntevill', David Costentin, Peter de Cuntevill', and many others, of breach of the peace of our lord the King. He does not come, and he had no pledges beyond the aforenamed. All the appealed come, and have not compromised, and are not guilty. Therefore all are quit. And Nicholas and his pledges are in mercy.

856. Geoffry the miller of Were appealed Peter de la Roke of the breach of the peace of our lord the King. Geoffry comes and sues against him. Peter does not come, nor was he attached. Therefore, nothing.

857. Concerning defaults, they say that John Dean of Wells, Robert Tregoz, John Tregoz, William de Marisco, Thomas Beaugrant, Thomas Everard, Henry Crok', Alfred the Chamberlain, and Walter de Barewurthe did not come on the first day. Therefore [they are] in mercy.[3]

858. Clarice wife of John son of Richard appealed William le Fox of Heywik', Nicholas le Smale, and many others, to wit, Reginald Toni and John le Crane, of breach of the peace of our lord the King. Clarice and John her husband now come and sue against them. She appealed William le Fox and Nicholas le Smale for that, on Sunday next before the feast of St. Martin, they assaulted her[4] and broke her arm, against the peace, etc. She appealed Reginald Toni and John le Crane as accessories (*de vi*). And because the appeal is null, let inquest be made by the country. The jurors testify that William and Nicholas broke her arm and beat her,[4] as she appealed them. Therefore [they are] in mercy. Let them be committed to gaol. The jury also testify that John and Reginald are not guilty. Therefore they are quit, and Clarice and John are in mercy for their false appeal. Afterwards come William le Fox and Nicholas le Smale, and made fine for 5 marks, by pledge of Walter son of Herdig', Reginald Toni, Nicholas de Cuntevill', and John de Bednestan'.

[1] Here again the marginal "*misericordie*" is struck out.

[2] Over his name is written "*nich.*" The note of the amercement is again struck out.

[3] Over the Dean's name is *ultra;* over that of John Tregoz "*i R*," in the service of the King; and over William de Marisco's name is "*nich ht*"—*nihil habet.*

[4] The roll has "*eum*" here—I think by mistake.

THE MANOR OF WERE[1] COMES BY SIX.

859. Walter Dodinge was found drowned in a certain ditch in the manor of Hunespill'. Hugh his father, the first finder, comes, and is not suspected. No Englishry; therefore murder. The jurors falsely presented Englishry. Therefore they are in mercy. And John de la Lade untruly presented himself as a kinsman. Therefore he is in mercy. He made fine for ½ mark by pledge of William Dodinge.

860. Alice daughter of Robert Annoceman was found drowned in a certain ditch at Hunnespile, and was buried without view of the coroners. Therefore the township of Hunnespill' is in mercy. And the fee of the church of Hunespill' did not present the matter; therefore it is in mercy.

861. Concerning minors (*de valectis*) who ought to be in the custody of our lord the King, they say that William Maynel ought to be in the custody of our lord the King. Herbert son of Matthew has his custody from our lord the King, and he [William] is married to the daughter of John le Estrange. His [William's] land is in the manor of Hunnespill', and is worth £10 per annum.

862. Touching defaults, they say that Thomas Everard is infirm (*infirmus est*), and did not come on the first day. Therefore he is in mercy.

THE HUNDRED OF LA STANE[2] COMES BY TWELVE.

863. Richard de Moriet was killed by a certain mill wheel Herbert the miller (*le muner*), the first finder, comes, and is not suspected. Judgment, misadventure. Price of the wheel, 2*s*., for which the sheriff must answer.

864. John de Cynnok appealed Ralph de Cylterne and Elena his wife, Alfred (*Alveredus*) le King of Preston', and Thomas of the same, of the peace of our lord the King, and of beating and wounds, and he does not come. Therefore let him be taken, and his pledges are in mercy, to wit, William Rugecote and Roger Pigate. All the appealed come The jurors say that they [the parties] are agreed, and that Alfred is guilty, and not the others. Therefore it is considered that they should be in

[1] Weare. [2] Stone.

custody.[1] Afterwards Ralph came and made fine for himself and his men for 5 marks by pledge of Ralph de Meriet, William Fossard, James de Munsorel, and William de Oreweye.

865. Warin de Sancto Edwardo appealed Richard the chaplain of Gyvele[2] and Alexander son of Rikelin of breach of the peace of our lord the King, and beating. And because the appeal is nuli, let an inquest be made, etc. [*i.e.*, by the country]. The jurors testify that Richard and Alexander are not guilty. Therefore they are quit. Let Warin be in custody.

866. Osbert de Preston was suspected of larceny, and fled. Therefore let him be exacted and outlawed. He was not in tithing, because a free man. His chattels [were worth] 5*s.* 6*d.*, for which the sheriff must answer. And be it known that the chattels were delivered to Adam de la Port. And because he is not ready with them, he is in mercy. He made fine for ½ mark by pledge of William de Meweye and Ralph de Wellesle.

867. Concerning serjeanties, they say that Geoffry de Wermill' and Margaret his wife, Thomas de Crukert and Joan his wife, Henry de Milleburn' and Cecily his wife, hold one hide of land in Neweton' of our lord the King by the service of one linen cloth (*mappe*) of ten yards and one silken cloth[3] (*tuell'*) of five yards, and by service of serjeanty (*per servicium seriancie*).[4]

868. Concerning suits, they say that the tithing and suit of Chilton has been withdrawn from the hundred [court] of la Stane by William de Cantulupo, since the feast of St. Michael in the 25th year of the reign of the King who now is, and they know not by what warrant. The said tithing and the said suit of Chilton' were wont to answer to the hundred of la Stone for 6*s.* per annum by custom, besides other perquisites.

869. Concerning defaults, they say that William de Cantelupo, Robert de Cantu Lupo, Lucy de Ardern, John de Sancto Johanne of Balun', Robert de Say, John de Marisco, the Prior of Bradenestok, Adam de Porta, John de Tudenham, John Petevin, Stephen de Astington, Thomas de Cyrnecestr', Richard

[1] For compromising the matter without leave. The order for custody was merely to put pressure upon the parties to come in and make their peace with the King by payment of a fine.

[2] Yeovil.

[3] *Tuallium* is often rendered as towel, but I think that something else must be meant here. See Ducange, *sub tit. Toallia*, under head "*Toacula.*"

[4] It looks as though the three ladies were holding as co-heiresses. But lands held in serjeanty had been treated as incapable of partition, and the eldest daughter could claim the whole.

Purgthoo, Alfred de Preston, Thomas de Preston, Isaac de Kingesbir, John the cook, Eleanor de Ever . . , Walter Chere, Colin Hurri, and Dyonis' de Oterhampton did not come on the first day. Therefore all are in mercy.

Memb. 16*d.*

HUNDRED OF LA STANE—CONTINUED.

870. Concerning purprestures, they say that certain gallows have been raised on the land of the Prior of Bermunds', they know not by what warrant. Therefore this must be discussed.

871. Concerning purprestures, they say that certain other gallows have been raised on the land of the Prior of Bradenestoke, they know not by what warrant. Therefore this must be discussed. Afterwards it is shown in the roll of Robert de Lexinton of his last eyre that those gallows had been raised before his coming,so that the Prior of Bradenestok was summoned to answer by what warrant he had raised them; and the Prior came and produced a charter of our lord the King who now is, by which he granted to the Prior toll and theam, etc.,[1] wherefore because he produced his warrant it was ordered that he might go without a day.

THE HUNDRED OF POREBIR'[2] COMES BY TWELVE.

872. Walter Wythand appealed Osbert the Smith of Clyve, William the gardiner his servant (*famulum*), and Walter Lug of la Clive of the death of Richard his brother. And Walter has died. All were outlawed in the county [court] on the suit of Walter. Their chattels and tithings are in the hundred of Jacton.[3]

873. John de Hauberton appealed John son of Walter de Eston of felony and theft of money. John son of Walter was outlawed on the suit of John de Hauberton', and was in the

[1] Perhaps the "etc." means *Sake and Soke*. "In the 13th century there is already much doubt as to the meaning" of these four words. On the whole, the prevailing doctrine seems to have been that they did nothing. ("Hist. Engl. Law," vol. i, pp. 566–7.) Yet they seem to have been sufficient in this case to justify the gallows and their use. Perhaps, however, *infangenethef* and *utfangenethef* may have been included in the "etc." See Bract., fo. 122b, "*qui tales habent libertatas* (the above) *habebunt prisonam suam de talibus, quia possunt tales in curia sua judicare.*"

[2] Portbury. [3] Yatton.

tithing of Richard the tithingman of Eston. Therefore it is in mercy. His chattels, *2s. 6d.*, for which the sheriff must answer.

874. Unknown malefactors killed Wymark de Clopton', and fled. And because the township of Clopton did not make pursuit after them it is in mercy.[1]

875. Robert de la Lane, overcome by cold, fell dead from his mare. The first finder (*prima inventrix*) comes and is not suspected. No Englishry; therefore murder.

876. William son of Agatha de Portesham was drowned from a boat in the water at Portesham. Judgment, misadventure. Price of the boat, *12d.*, for which the sheriff must answer. And because the twelve jurors falsely presented the finder, they are in mercy.

877. Concerning defaults, they say that Matthew de Columbariis, Nicholas son of Roger, Hubert Hose, Laurence de Sancto Mauro, John de Cormaill', John Bretasche, Maurice de Berk',[2] George de Fuble, Roger de Calonmidesd', Thomas Long, William de Karswell' (but William de Kareswell came afterwards, and he cannot see or hear), Hugh de Insula, and Walter Bulace, did not come on the first day. Therefore all are in mercy.

The Hundred of Whytelegh' comes by twelve.

878. Richard de Wynkelscumbe was struck to death by a certain part of a certain millstone of a certain mill.[3] Judgment, misadventure. Price of the millstone, *2d.*, for which the sheriff must answer.

879. Robert de Lambrok' fell from a certain horse so that he died. No one is suspected. The first finder comes and is not suspected. Judgment, misadventure. Price of the horse, *10s.*, for which the sheriff must answer.

880. William le Blund was found drowned in a certain broken dyke. The first finder comes and is not suspected. No Englishry; therefore murder. And because the twelve jurors falsely presented Englishry, all are in mercy. The township

[1] The township should have raised the hue and cry and have pursued the culprits. See Bract., f. 124.

[2] Berkeley.

[3] From the particularity of this description it is to be inferred that the stone burst or broke, and that Richard was struck by a flying part.

of Dunden did not present that matter to the county [court]. Therefore it is in mercy. John Galebot, John de Fonte, and Thomas de Fonte falsely presented themselves as kinsmen. Therefore they are in mercy. Afterwards they made fine for 1 mark by pledge of Walkelin de Cumton and William Blund of the same.

881. Eva Peperwhyte appealed Walter le Child of Greinton of rape, and she does not come, nor had she pledges to prosecute except [her] faith (*fidem*).[1] Walter comes, and the jurors testify that they [the parties] have not agreed. He is not guilty. Therefore he is quit.

882. Herbert Fromund' was found drowned in the water beyond Whutton'.[2] Osbert son of William de Kateby, the first finder, does not come. Therefore he and his pledges are in mercy, to wit, David de Wuhtton, John le Newn of the same. Alice, Herbert's wife, was attached because of this by Adam of the church of Kington and Walter de Whiteleg' of the same, and she does not come. Therefore they are in mercy. No Englishry; therefore murder. The township of Kington does not come; therefore it is in mercy.

883. Walter son of John the cook fell from a certain mare which drew a certain cart, so that he died. Judgment, misadventure. Price of the mare and cart, 5*s*., for which the sheriff must answer.[3]

884. William Ernisius, a thief, fled to the church of Ayschecote,[4] confessed himself a thief, and abjured the realm. The township of Sutton did not pursue him. Therefore it is in mercy. He was not in tithing, because he was a stranger of the county of Worcester, nor had he chattels.

885. Christiana de Sutton' appealed Geoffry Fichet of rape. She does not come, nor had she pledges to prosecute beyond [her] faith. Geoffry comes, and the jury testify that they [the parties] are not agreed, and that he is not guilty. Therefore he is quit. Let Christiana be arrested.

886. Adam le Crane was mowing (*fulcavit*) on the moor of Dundon[5] and suddenly fell dead. No Englishry; therefore murder upon Dunden. No one is suspected.

[1] She had found no pledges that she would follow up her charge. She had only pledged her faith to do so.

[2] Whitnel or North Wootton.

[3] Probably the man was riding the mare, fell, and the cart passed over him, for both cart and mare are regarded as guilty of his death.

[4] Ashcott.

[5] Dunden, in Compton Dunden.

887. Alice daughter of Lettice de Cusington appealed Roger Bullok of Cusington[1] of rape. Now she comes and will not sue against him. Therefore she and her pledges are in mercy, to wit, Richard Swenge of Cusington and Roger le Frier of the same. The jurors testify that [the parties] are agreed. Their amercement is pardoned because they are paupers.

888. The jurors present that William Brunig of Cusington made a purpresture on the highway of the vill of Cusington. Therefore he is in mercy. The sheriff is ordered that he cause the purpresture to be viewed and amended, etc.

889. Touching defaults, they say that the Abbot of Glaston, Philip de Columbariis, William Bellec of Cusington, Jordan Ridel of the same, Walter Brunig of the same, Henry Balde of the same, Stephen le Harpur of the same, Adam le Freye of the same, Robert de Edingtone, Roger Whythoud, James de Turlebare of the same, Henry de Stawelle, Gregory Burnel of the same, Reginald de Sapewyk, John de Forda of the same, Geoffry de Langelegh' of the same, William Fichet of Little Sutton, Walter le Goys of Merlinche, Nicholas son of Humphrey, Michel of Sutton, Robert Mariscall', Robert de Gascoin of Dundon, and Henry Bastard did not come on the first day, etc. Therefore they are in mercy.

890. Robert Horlok', Adam son of Brice, Roger de Insula, and Ranulf le Cornwaleys, accused of larceny, come and defend everything, and put themselves upon the country and the four nearest townships of each visne (*quatuor villatas proximas de singulis visnetis*) for good and ill. The jurors testify that Adam and Roger are not guilty. Therefore they are quit. They testify that the other two, Robert and Ranulf, are thieves. Therefore, etc.[2]

Memb. 17.

The Manor of Hamme comes by six.

891. John son of Walter de Hamme was crushed to death by a certain cart. No one is suspected. Judgment, misadventure. Price of the cart, oxen, and five geese (*aucarum*),[3] 34*s.*, for which

[1] Cossington.

[2] It scarcely needs the marginal "*sus*'" to explain the "Therefore, etc." There is a cross over each of these names where first written.

[3] *Auca*, a goose. See Ducange, Gloss. They were no doubt in the cart at the time.

the sheriff must answer. And because the jury falsely presented the finder, all are in mercy.

THE HUNDRED OF SUMERTON'[1] COMES BY TWELVE.

892. Adam son of Hugh de Sumerton was drowned from a certain mare in the water of Givell. No one is suspected. Judgment, misadventure. Price of the mare and of the pack (*sacci*) 4*s*., for which the sheriff must answer.

893. John Peveril was found drowned in the water near Aure.[2] No one is suspected. No Englishry. Therefore murder.

894. Juliana wife of German was scalded to death by a certain tun *de Gru*.[3] No one is suspected. Judgment, misadventure. Price of the tun 4*d*., for which the sheriff must answer. Juliana was buried without view of the coroners. Therefore the township of Northovers is in mercy.

895. William Page of Elleston' fled to the church of Kingesdon', confessed himself a thief, and abjured the realm. He was not in tithing because he was a stranger and journeying (*extraneus et itinerans*), but he was staying at Lideford[4] on the land of John de Bonevill', where he had chattels to the value of 6*d*. Therefore let fuller inquiry be made by the hundred of Catessasse concerning his chattels. The township of Ludeford is in mercy for harbouring him.

896. Walter Hotte and Alice de Dene were indicted for larceny elsewhere before Robert de Lexinton'. They were suspected of larceny, and fled. Therefore let Walter be exacted and outlawed, and Alice be exacted and waived. Walter was harboured in the vill of Cherletun' Makerel. Therefore it is in mercy. Alice's chattels [were worth] 8*d*., for which the sheriff must answer.

897. Jordan servant of the chaplain of Ludeford was drowned from the horse of the same chaplain in the water of Briw. No one is suspected. Judgment, misadventure. Price of the horse 3*s*., for which the sheriff must answer.

898. Margery, formerly the wife of Roger Payne, is in the gift of the King for marriage. Her land in this hundred is worth £10. And because Margery's son (?) (*fil'*) is in the custody of

[1] Somerton.
[2] Aller.
[3] See note to No. 810.
[4] Lydford.

our lord the King, and the jurors concealed this, they are in mercy.

899. John Neweman of Sutton, Robert Blakeballoc of Benham, and John his son were suspected of larceny, and fled. Therefore let them be exacted and outlawed. John le Neweman was not in tithing because a free [man]. His chattels, 15*s.* ½*d.*, for which the sheriff must answer. Robert was in the tithing of Walter de Kerhingbrok, and so was John his son. Their chattels, 10*s.*, for which the sheriff must answer.

900. The house of John the smith of Camel was burned by his own fire, and his son was burned therein. He was buried without view of the coroners. Therefore the township of Camel Rumar is in mercy.

901. Richard Frank of Camelrumar appealed William the clerk of Camelrumar and William his son of felony, etc., and Richard will not sue. He made fine for himself and his pledges for 1 mark by pledge of Nigel de Camel and John the smith (*faber*) of the same. The jurors testify that they [the appellors] wounded Richard. Therefore they are in mercy. They made fine for 1 mark by pledge of Robert de Suthovere, Thomas Wytewel', and William Baret.

902. Concerning defaults, they say that Henry son of Richard, Richard de Gyvelton, and Robert de Gatimor' did not come on the first day. Therefore they are in mercy.

The Manor of Sumerton comes by twelve.

903. The jurors present that the men of Sumerton were wont to have common of pasture in the pasture of Leghermore, and that Selina, formerly the wife of Henry de Ortiaco, has put up a certain gate so that they cannot enter the pasture; and in this way she has made a purpresture against our lord the King, because the said men of Sumerton have the vill of Langeport to farm from our lord the King, and they ought to have such common of pasture as our lord the King or his bailiff ought to have there.

904. The same presented that a certain land called Hyseland', containing twenty-three acres of land and seven acres of meadow, have escheated to our lord the King since the death of Herbert Makerel, who held that land, and died without heir of himself (*sine herede de se*), because, they say, that Matilda the Empress,

who was ancestress (*avia*) of our lord the King who now is, gave that land to one Osa, who was her bather (*lotrix*), and after her death the land descended to the said Herbert Makerel, who died without heir of himself. They say that Thomas de Cyrnecestr' the elder holds twelve acres and Ralph de Pedewell holds twelve acres of the said land. Petronilla, Juliana, and Custancia, daughters of William le Bule, hold the pasture, they know not by what warrant. Afterwards Ralph de Pedewell comes and confesses that he holds the said eleven (*sic*) acres of land at the will of our lord the King. Afterwards they present that the said Petronilla, Juliana, and Custancia hold three ferlings of land of the demesne of our lord the King by the service of 8*s.* 6*d.* per annum, and it is not known by what warrant. Therefore it must be discussed.

905. They present that by a certain covenant (*convencionem*) which was made between themselves and the burgesses of Yvelcestr' [they have the right to pasture] eight sheep in the pasture of Kingesmore for the whole year for 1*d.* The men of Yvelcestr' do not allow them to have that common as was agreed between them. Therefore it must be discussed.

906. And the twelve jurors are in mercy for false presentment.[1]

The Manor of Northovere comes by six.

907. John Hipecok' fled to the church of Northovere, confessed himself a thief, and abjured the realm. He confessed that he abjured the realm elsewhere, at Crauwecumbe. The township of Northover did not pursue him. Therefore it is in mercy. He was harboured at Crauwecumbe after he abjured the realm. Therefore [the township] is in mercy. The matter of his chattels was dealt with before the four justices sent to deliver other gaols.

908. William Maureward appealed William le Bastard' of breach of the peace of our lord the King, of wounds and robbery, and as accessories Robert le Blund, Aucketin the clerk of Northovere, Richard his brother, Peter Lauval, Richard the fisherman (*le Peschur*), William Kitel, Hubert de Northovere, Henry Budd of the same, John the serjeant (*ser-*

[1] We do not know what the false presentment was. Perhaps this entry refers to No. 905, and was the result of the further "discussion."

viens), Nicholas Bastard, Richard le Fever, and Benedict Beg. All the appealed, except Benedict, come. The jurors testify that all are guilty. Therefore they are in mercy. They made fine for 20*s.* by pledge of Nicholas le Bastard, Thorstan the goldsmith (*aurifaber*), and Richard Richeman. Benedict was attached, but his pledges have died.

Memb. 17*d.*

THE HUNDRED OF KEYNESHAM COMES BY TWELVE.

909. Henry de Cherelwurth is in mercy because he did not come with his fellow jurors.

910. William Long of Bristoll' killed a certain man in Bristoll' and fled to the church of Keynesham and abjured the realm. He dwelt (*fuit manens*) in the burgh of Bristoll'. It is not known [what] chattels [he had]. And because the vill of Keynesham did not make pursuit after him it is in mercy.

911. Robert son of William the smith and Agnes his wife fled to the church of Keynesham, confessed themselves thieves, and abjured the realm. And because the vill of Bristelton'[1] did not make pursuit after them, it is in mercy. He (*sic*) had no chattels, nor were they (*sic*) in tithing because they were strangers.

912. Gunilda, formerly the wife of David le Mazun, appealed John the carter of breach of the peace of our lord the King and of wounds which he caused to David her husband, and wherein it is testified that the wounds were mortal. And because the county [court] dismissed (*dimisit*) John under pledges before they had hope of his [David's] life, and it is testified that twenty-three pieces (*ossa*) were extracted from his head, to judgment on the county.[2] The jurors testify that David died of those wounds. Therefore let John be exacted and outlawed. He was in the tithing of William the miller[3] (*le muner*) in Horsington. Therefore it is in mercy. He had no chattels.

913. Geoffry Young of Keynesham was crushed to death. No one is suspected. No Englishry; therefore murder.

914. Thomas le Norreys was crushed to death by a certain cart in which was a certain millstone, and which was drawn by six oxen. Judgment, misadventure. The price of the cart,

[1] Brislington.

[2] In cases of homicide the accused could not be released on sureties. See Glanv. xiv. 1, and Bract., fo. 123.

[3] See Note to No. 604.

millstone, and oxen, 35*s.*, for which William de Cherelwurth and Henry de Cherelwurth must answer. And because they had not the money, as they ought to have had before the justices, they are in mercy.

915. Walter son of Nicholas and Robert son of Aluina de Filton cut down a certain tree, and the tree fell upon Walter so that he died. No one is suspected. Judgment, misadventure. Price of the tree 2*d.*, for which the sheriff must answer.

916. Unknown malefactors killed Matilda, formerly the wife of Robert de Wylmingdon'. It is not known who they were. The jurors did not present the finder upon its roll. Therefore they are in mercy.

917. Nicholas de Newton fell from his horse so that he died. No one is suspected. Judgment, misadventure. Price of the horse 2*s.*, for which the sheriff must answer. John le Newman, to whom the money was delivered that he might answer [for the price], has not the money. Therefore he is in mercy.

918. John de Linus was crushed to death by a certain mill-wheel. No one is suspected. Judgment, misadventure. Price of the wheel, 3*s.*, for which the sheriff must answer.

919. Touching new customs (*novis consuetudinibus*), they say that the Abbot of Glaston has set up (*levavit*) new customs at Merkebir',[1] to wit, that he should take for every ox (*averis*) found in his herbage 6*d.*, and for every sheep 2*d.* Therefore this must be discussed.

920. Walter de Alneto, suspected of larceny, fled. Therefore let him be exacted and outlawed. He was in the tithing of Gilbert Young in Cumton'. Therefore it is in mercy. His chattels [were worth] 36*s.* 2*d.*, for which the sheriff must answer.

The Burgh of Langeport comes by twelve.

921. Walter le Parker was drowned at Langeport. No one is suspected. No Englishry. Therefore murder. The jurors present no finder. Therefore they are in mercy. The coroners testify that John Love was the first finder, and he does not come. He was attached by Robert Corbin and William la Hare of la Lade. Therefore it is considered that they be in mercy.

922. Adam Russel was drowned from a certain boat in the

[1] Marksbury.

water of Peret.[1] No one is suspected. Judgment, misadventure. Price of the boat, 3*s.*, for which the sheriff must answer. And because Thomas Brun and Adam Wlf of Briges, to whom that money was delivered, had it not before the justices, they are in mercy.

923. Roger Harald' was suspected of larceny, and fled. Therefore let him be exacted and outlawed. He was harboured (*fuit receptatus*) in the vill of Langeport, without tithing. Therefore it [the township] is in mercy.

924. Adam the forester of Bristilton'[2] and Nicholas Copin of Cherleworth', accused of larceny, have fled. The jurors say that they suspect them of larceny of sheep[3] and other [things]. Therefore let them be exacted and outlawed. Adam was in the tithing of Gilbert the tithingman of Bristilton' and [Nicholas] was of the mainpast of Robert Tresor in Cheleworth'. Therefore they are in mercy for the flight. They had no chattels.

925. Robert le Bok, accused of this, that he was thought to have burned the houses of John de Kylkenny in Cheleworht, fled. He was in the tithing of Robert le Brok' in Cheleworth'. Therefore it is in mercy for the flight. The jurors say that he is not guilty of the burning. Therefore he may return if he will. No chattels, etc.

The Hundred of Hareclive[4] comes by twelve.

926. Robert son of John de Leghe was struck by a certain millwheel in Aston' so that he died. Richard his brother first found him. He comes and is not suspected. Judgment, misadventure. Price of the wheel 12*d.*, for which the sheriff must answer.

927. Unknown malefactors came by night to the house of Christiana de Ponte in Wynfrod,[5] and bound her and her daughter, and carried off their chattels. It is not known who they were. No one is suspected.

928. Wolward the fuller (*le Tukare*) was found drowned in a certain ditch near Langeford. Osanna his wife first found him, and is dead. No one is suspected. Judgment, misadventure. No Englishry, etc. Therefore murder.

[1] The Parret.
[2] Brislington.
[3] "*ovium*." The word commonly used for sheep is *bidentes*.
[4] Hartcliff.
[5] Winford.

929. Hugh son of Reginald de Felton [for Agnes his wife][1] appealed Simon Bilhok in the county [court], of the peace and for striking Agnes his wife. Now comes Agnes herself and sues against him and appeals Simon that on Tuesday next before the feast of St. Barnabas the apostle in the 21st year, he, Simon, came to the fold of Richard le Waleys at Felton',[2] where Agnes was in the peace of our lord the King, and assaulted (*insultavit*) Agnes, and gave her a certain wound in the head and another in her right hand by a certain pick axe (?) (*hachia adpykum*), and that this he did wickedly and feloniously she offers to deraign against him as the court shall consider. And Simon comes and defends the peace, felony, and striking, etc., and craves judgment whether she could or ought to put him to law (*ad legem ponere*), inasmuch as a woman cannot have an appeal against anyone except for the death of her husband or for rape, etc.,[3] and he says that she appealed him in hate and spite, and therein he puts himself upon the country. And because it is shown clearly by the jurors that the appeal was made through hate and spite and not for anything else, it is considered that the appeal be null, and so she be in mercy for her false appeal. And for the keeping of the peace of our lord the King, let inquest be made by the jurors, who say upon their oath that in truth the said Simon struck her with his naked hand and not with any hatchet.[4] Therefore Simon is in mercy. He made fine for 40*s*. by pledge of William de Kanc', John Sprot, and Robert Frankeham of Bakewell. Richard le Waleys is in mercy because by his abbetting the appeal was made. He made fine for himself and Agnes for 10 marks by pledge of Nicholas de Meryet, Geoffry de Dynaud, Ralph brother of Bernand, John de Bonevill', Richard de Langeford', William de Orewaye, Thomas Trevet, and William Kent.

[1] The words in brackets here are interlineations in the original.

[2] Felton, a tithing of Winford.

[3] "*In quibus casibus femina appellum habeat videndum est, et sciendum quod non nisi in duobus casibus per quod alicui lex apparens debeat adjudicari, silicet non nisi injuria et violentia corpori sua illata, sicut de raptu, ut predictum est. Item et de morte viri sui interfecti inter brachia sua, et non alio modo.*" (Bract., fo. 148b.) The picturesque expression "*inter brachia sua*" seems to have been technical. Coke says they mean that the woman must not only be wife *de jure* but *de facto* "without elopement from her husband, etc., or divorce." She must be in possession. 2nd Inst., fo. 317.

[4] Here *hachia* alone is used.

Memb. 18.

THE HUNDRED OF HARECLIVE—CONTINUED.

930. Robert le Saltere of Hanespull' was found killed in the wood of Wanlegh' near Baruwe[1]; it is not known by whom. Hobbe de Eston', who first found him, comes and is not suspected. No Englishry, etc.; therefore murder. Afterwards it is testified that a certain Walter de Merefeud, an approver captured at Bristoll', was taken to Yvelcestr' and there confessed larceny, and that he killed the aforesaid Robert, and was there hanged. The twelve jurors present that the approver was taken in the time when Richard de Langeford' was sheriff; and it appears by the rolls of the coroners that he was taken in the time when Herbert son of Mathew was sheriff. Therefore all are in mercy.

931. Roger Scurye was outlawed in the county [court] for wounds which he caused to Adam Crek'. He was in the main-past of John Cole in Dundray. Therefore he [John] is in mercy for the flight. John Cole was attached for those wounds, inasmuch as the said Roger inflicted them by his order. He [John] does not come, and he was attached by Richard de Upton in Dundray, William Cole of the same, Robert of the same, Robert de Crowenhull, and Robert de Dundray. Therefore they are in mercy. The jurors testify that the said Roger inflicted the wounds on Adam by order of John Cole, and that he died thereof. Therefore let John be captured.

932. John Cole, taken for the death of Adam Crek, whom Roger Scuri killed, and as it is said, by his [John's] order, comes and defends the whole, etc., and puts himself upon the country. The jurors[2] testify that he is not guilty, either of consent or of order. Therefore he is quit. And William de Eston' [is in mercy] for the false indictment made by him. Afterwards William came, and made fine for 5 marks by pledge of Ralph son of Bernard, William de Grindham, Hugh Fichet, and Ralph fitz Urse.

933. Richard Budde of Aeston struck William del Egge in the heel with a sickle (*falce*) so that on the third day thereafter

[1] Barrow.

[2] *Quære*, Was this the same jury that in the preceding case had testified that John was guilty? Unfortunately we cannot tell from the record.

he died, and Richard straightway fled. Therefore let him be exacted and outlawed. He was in the frankpledge of Ralph de Gatekumb' and William le Thayn, who have both died. His chattels, 3*d*., for which the sheriff must answer.

934. Mabel daughter of Geoffry de Ipres of Portbyr' appealed Ralph the tailor of Aston in the county [court] of the peace of our lord the King and of rape, and now she does not come, and she found no pledges beyond [her] faith. Ralph the tailor does not come. He was attached by Alexander de la Forde, Richard de Ilberd' of the same, Adam son of Geoffry of the same, and Robert Bracy of the same. Therefore they are in mercy. The jurors testify that they [the parties] are agreed. Therefore let Ralph and Mabel be taken.

935. Roger Gule of Bukwell, a certain boy of the age of seven years, fell into a certain leaden vessel (*quodam plumbo*) full of hot water and died. Roger son of Eva Blund, who first found him, comes and is not suspected, nor [is] any one else. Judgment, misadventure. Price of the vessel 2*s*., for which the sheriff, etc. The township of Bakewell'[1] is in mercy because it did not present that Roger wished to strike a certain dog, and for the fear that he had in striking the said dog, he fell into the vessel, as is testified by the rolls of the coroners.

936. Touching defaults, they say that David Basset, Godfrey del Ausno, John Bretesch, Nicholas son of Roger, John de la Grene, and William de Byaumund' did not come on the first day. Therefore all are in mercy.

[The Hundred of] Horethyrne[2] comes by twelve.

937. A certain bull [belonging to] the lord Earl of Salisbury killed Henry son of Geoffry de Cherleton, a boy aged seven years. Geoffry his father, who first found him, comes and is not suspected, nor is any one else. Judgment, misadventure. Price of the bull 5*s*., for which the sheriff must account.

938. All the jurors of this hundred are in mercy because they elected one Thomas le Porter one of the jury, and the same Thomas is appealed of his members (*de membris suis*), and they did not reveal that to the justices before [they chose him].

939. Muriel, formerly the wife of Roger de Gyverny, appealed

[1] Bakwell, near Nailsea.

[2] Horethorne.

in the county [court] William Barat of the death of Roger her husband, and Thomas chaplain of Holewal',[1] Durant Potel of Warham, John de Cyrnecestr' brother of the said chaplain, William de Cyrencestr', and John the clerk of the chaplain, as accessories. Now she comes and pursues her appeal against them. Richard de Langeford, at that time sheriff, and the coroners testify that the said William Barat and Durant Potel were committed by replevin (*commissi fuerunt per plevinam*), for the consideration of the county of Dorset. Thomas the chaplain was delivered to Humphrey, Archdeacon of Salisbury, who claimed him for the Bishop. Therefore let full inquiry be made concerning them in the county of Dorset. And because Richard de Langeford', the sheriff, dismissed them upon replevin, he is in mercy.[2] John de Cyrencestr', William de Cyrencestr', and John the clerk of the said chaplain, were outlawed in the county [court] upon Muriel's suit. They had no chattels, nor were they in tithing, because strangers. And because the deed was done in the county of Somerset, and the county would not pursue judgment against William Barat, Thomas the chaplain of Holewal', and Durant Potel, notwithstanding judgment made in the county of Dorset concerning their attachment, the county is in mercy. And Muriel is told that she should proceed against them in the county [court] of Somerset until they be outlawed.

940. Robert Barat of Asperton appealed Robert de Aula of the death of John his brother in the county [court], and [Robert] was outlawed upon Robert Barat's suit in the county [court]. He [Robert] was of the mainpast of Isabella de Cheseburford' in the county of Dorset. Therefore she is in mercy for [his] flight. He had no chattels. Ralph le Bret, Robert le Bret, Robert his son, and Richard le Neyr, attached for that death, do not come. Ralph was attached by Geoffry de Stok' and John son of Stephen; Robert le Bret was attached by Richard le Hird' and John de Fitelford'; and Robert son of Robert by Robert Colet of Fifhide and Richard Doget; and Richard le Neir by Walter de Hampton, William Beynin, Alan de la Wodebrig', and Robert de Thornhill'. Therefore all are in mercy. The jurors say that they do not suspect them. There-

[1] Holwell.
[2] The crime of homicide was not bailable.

fore they are quit. The township of Holewal', where John was killed, is in mercy because it did not capture Robert.[1]

941. Ralph son of Durant de Cumb' appealed in the county [court] Roger le Porter of Cumb', Richard Ruffus, Walter de la Pette, and Ralph Keye, of the peace, wounds, and robbery, etc. Now he does not sue against them. Therefore he[2] and his pledges to prosecute are in mercy, to wit, Walter de Ledderford' and John de Netherford'. Roger le Porter and the other appellees come, and the jurors testify that they [the parties] are not agreed, but they say that they [the appellees] are guilty of that beating. Therefore let them be in custody. Afterwards Roger and the others came and made fine for 40*s.* by pledge of Thomas le Porter, Robert de Bosco, and Gilbert Grafenloyl.

942. John Osmund, accused of theft of sheep, fled to the church of Pultinton', confessed that he was a thief, and abjured the realm. He was in the tithing of Rimton. Therefore it is in mercy for receiving [him]. His chattels, 4*s.*, for which the sheriff must answer. Henry the tithingman and the whole township of Rimpton are in mercy because they did not sufficiently appraise the said chattels.

943. Isabella wife of Warin de Harewode found certain cloths and stolen goods (*pelfam furatam*) in the court house (*curia*) of Warin, and it was said that those cloths belonged to a certain chaplain of Schepton' in the hundred of Norton, [who was] killed. Therefore let full inquiry be made there.[3] The jurors do not suspect Warin and Isabella. Therefore they go quit.

Memb. 18*d.*

THE HUNDRED OF HORETHYRNE—CONTINUED.

944. Roger Peper, accused of larceny of two stolen mares (*de latrocinio duarum equarum furatarum*), and of cloths and the goods (*pelfa*) of one William Blund which he was thought to have stolen, and to have abducted William's wife, comes and defends the larceny and everything, and puts himself upon the country for good and ill. The twelve jurors, together with the four townships, to wit, Horsinton, Chyriton', Cumb', and Stawell',

[1] The roll has "John," obviously by a clerical mistake.
[2] Over his name is written "*cap'*"—let him be arrested.
[3] That is, in the hundred of Norton, as the marginal note shows.

come and say upon their oath that he is a thief, and that they suspect him of many thefts. Therefore, etc. He had no chattels.

945. Concerning purprestures, they say that Albertus the parson of Sandford'[1] has obstructed a certain path in Sandford', and has diverted a certain watercourse in the same vill. Therefore he is in mercy. Let the obstruction be removed and the water restored as it ought and was wont to be. The sheriff is notified.

946. Concerning defaults, they say that William de Monte Acuto, Hugh de Kenardel', Roger de Vilers, Payne son of William, Simon de Sifferwast, John de Sandputte, Reginald Wodie, Richard de Nutherton', Robert de Seles, Philip de Haulketon', and Walter Blund, did not come on the first day. Therefore they are in mercy.

The Manor of Meleburn comes by twelve.

947. Walter Cheke was struck by a certain mill-wheel in Meleburn', so that on the third day thereafter he died. No one is suspected. Judgment, misadventure. Price of the wheel 12*d.*, for which the sheriff must answer.

948. William son of Hilary Golde fell into a certain leaden vessel (*plumbo*) full of hot water, so that on the third day thereafter he died. No one is suspected. Judgment, misadventure. Price of the vessel 12*d.*, for which the sheriff, etc. And the twelve jurors are in mercy because they were often called and did not come (*quia sepius vocati fuerunt et non venerunt*).

The Hundred of Bruyton'[2] comes by twelve.

949. All the twelve jurors are in mercy for false presentation.

950. Robert Weland' was struck by a certain branch which fell upon him, so that on the third day thereafter he died. No one is suspected. Judgment, misadventure. Price of the branch 2*d.*, for which the sheriff must answer. And because the jurors testify in the written verdict (*in veredicto suo scripto*) that he died forthwith, and now they say orally that he died on the third day thereafter, all are in mercy.

[1] Sandford Orcas. [2] Bruton.

951. A certain stranger was found dead in La Swell' between Bruyton' and Upton'[1] without wound. It is not known who he was. No one is suspected. No Englishry, etc. Therefore murder.

952. Reginald Patewyne, Aline his wife, William his son, Margaret his daughter, and Eva his servant, were burned in Reginald's house at Hornwyk' by misadventure. John son of Reginald, who first found them, comes and is not suspected, nor is anyone else.

953. Robert de Stonithewall', Richard de Sumerton, Godfrey le Barat[o]r, Adam Belami, Geoffry Lawayte of Bryuton', Roger de la Clive of Batecumbe,[2] and John Prillok killed Nicholas le Serle, the serjeant[3] of Upton at Upton, and all of them betook themselves to the priory of Chartuse after the death of Nicholas. They were not in any tithing, but were of the mainpast of the Prior. Therefore he [the Prior] is in mercy. They had no chattels. Afterwards it is testified by the rolls of the coroners that Richard de Sumerton abode in the vill of Sumerton' Godfrey le Barat[o]r in Sutton, Adam Belami in Schepton' Vivon, Geoffry la Wayte in Breuham[4] Mucegros, Roger de la Clive in Batecumbe, and John Prillok in Prestel'.[5] Therefore all the said townships are in mercy.

954. Alice Chapil of Kary complains that Edith daughter of Alan struck her with a stone in the eye by the order of one Bartholomew, who is present, and Edith likewise comes and says that she did not strike her. The jurors say that she did not strike her as she [Alice] complains, but they say positively that Bartholomew lay with both those women, and that the complaint was [made] through hate and spite. Therefore nothing, for they all are paupers.

955. Touching defaults, they say that Master Richard the leech (*medicus*), William de Cadeworth, Richard the serjeant of Redlis[6] did not come on the first day, etc. Therefore they are in mercy.

956. Osbert Pethun, accused of harbouring thieves, comes and defends the harbouring and everything, and puts himself upon the country for good and ill. The twelve jurors, together with the townships of Bruyton', Bryuham, Rodlis, and Northbyr', say upon their oath that he is guilty, and that they suspect him

[1] Upton Noble. [2] Batcombe. [3] "*servientem*."
[4] Brewham. [5] Priestleigh, in Doulting. [6] Redlinch.

of harbouring thieves. Therefore, etc. His chattels, *6s. 6d.*, for which the sheriff must answer.

THE HUNDRED OF CHYUTON,[1] COMES BY TWELVE.

957. Edith mother of William de Stok' was killed in her house at Cumpton' by night. Robert the clerk of Cumpton,' accused of this because he was thought to have been there, comes and defends everything. The jurors say that he is not guilty. Therefore let him go quit.

958. Robert Scissor of Childecumpton' put himself in the church of Cumpton', confessed himself a thief, and abjured the realm. He dwelt in the vill of Chyuton, in the tithing of Ralph de Chyuton. Therefore it is in mercy. His chattels, *22s.*, for which the sheriff must answer. The jurors testify that he had no chattels beyond the value of *10s.* Therefore all are in mercy.

959. One Dermot, an Irishman, killed one John Balle in Camelegh' by night, and fled. Therefore let him be exacted and outlawed. No one else is suspected. No Englishry, etc. Judgment, murder. He had no chattels. He was of the main-past of William de Marisco of Camel. Therefore he [William] is in mercy.

960. Ralph Scissor of Cornwall fled to the church of Hubbelegh', confessed himself a thief of one mare which he there took away, and abjured the realm. He had no chattels, nor was he in tithing because a passing stranger (*extraneus transiens*).

961. William chaplain of Linton fell from a certain mare, so that he died. No one is suspected. Judgment, misadventure. Price of the mare, *27d.*, for which the sheriff must answer.

Memb. 19.

THE HUNDRED OF CHYUTON'—CONTINUED.

962. Nicholas Thorel of Kingeston'[2] appealed in the county [court] Richard Cole of Kingeston', Walter his brother, and Thomas de Marisco, of the peace and of wounds, etc. The same appealed William Blundel of Kingeston' and Adam

[1] Chewton.

[2] Kingston Seymour.

Bigeherm, of inciting (*de precepto*). Nicholas does not come. Therefore let him be taken, and his pledges to prosecute are in mercy, to wit, William Thorel of Kingeston' and Robert de Legh of the Abbot of St. Augustin.[1] Richard Cole and all the others, except Adam Bigeherm, come. Adam was attached by Walter Young of la Yha of Kingeston' and William de la Watere of the same. Therefore they are in mercy. The jurors say that in truth the said Richard and Walter are guilty of beating and of the wounds caused to Nicholas. Therefore let both[2] be in custody. They made fine for 5 marks by pledge of William Cole with the whole of his tithing of Kingeston'. Touching the others, they say that they are not guilty. Therefore they are quit, and Nicholas is in mercy. Let him be taken.

963. Hawise de Cumpton' appealed Roger Tyrel the young (*juvenem*) of rape, and she does not proceed. Therefore let her be taken. She did not find pledges to prosecute. Therefore, nothing. Roger comes, and the jurors say that in truth Roger lay with her but that half a year had elapsed before complaint was made that he had lain with her, and they say that [the parties] are agreed. Therefore let Roger be in custody. He made fine for 2 marks by pledge of Roger Tyrel his father, James Wace, John de Fil, Richard de Upton, and Waukel' de Boneham.

964. Touching defaults, they say that William de Marisco son of Jordan de Marisco, Humphry de Scovill', Hugh de Vivon', John Hose, Nicholas son of Martin, Robert de Sancta Cruce, Laurence de Sancto Mauro, John de Peanton, the Abbot of Keynsham, Alfred de Nicol, Peter Picter, John Brataske, the Prior of Merton, Robert de Gurney, Anketil' de Henton', William de Vilers, William de Hentun', Alexander de Estuna, William Norens of Cupton', and John Musbanck did not come on the first day. Therefore all are in mercy.

THE HUNDRED OF NORTON COMES BY TWELVE.

965. Malefactors burgled the house of Ranulf de Brothon', and Andrew de Halton' and John the cobbler (*sutor*) of Jerlinton[3] were accused of that death.[4] Andrew was hanged at Yvelcestr'

[1] I understand this to mean Robert of Abbot's Leigh, near Bristol.
[2] The roll has "*omnes*" here. Obviously only Richard and Walter are referred to.
[3] Yarlington.
[4] There seems also to have been murder done. Nothing is said before of this.

before William de Sancto Edmundo and his fellows, justices assigned to deliver the gaol at Yvelcestr'. John the cobbler was hanged at Scireburn'[1] before Robert de Lexington and his fellows. John Cruce, accused of the same, was sued before Robert de Lexington touching the charge. And because it is testified that Andrew de Halton was harboured at Halton after the deed, and John the cobbler was harboured at Gerlinton', both townships are in mercy.

966. Allelinus de Cori was found dead outside the vill of Wynkauelton'.[2] His wife, the first finder, comes, and is not suspected. No Englishry; therefore murder. And the twelve jurors falsely presented a finder. Therefore they are in mercy.

967. Alan le Baller of Burton' killed Nicholas son of Lefchild of Cherlton. Richard son of the same Nicholas was then present. Alan fled. Therefore let him be exacted and outlawed. Alan was in tithing at Buriton' in the manor of Gillingham in the county of Dorset, but the name of the tithing is not known, nor is it known what his chattels were. The township of Boyford' did not pursue. Therefore it is in mercy.

968. William de Scuriford' killed William the clerk of Boyford', and fled. Therefore let him be exacted and outlawed. William de Sturiford' was not in tithing in this county because he was of Devereus in the county of Wylton. The same William's chattels, 26*s.*, for which the sheriff must answer. Edward de Devereus, who was then there, is not suspected; and as he withdrew himself, let him return if he will. Afterwards it is testified that Edward was sent to gaol in the time of Herbert son of Matthew,[3] and no one answers for his time. Therefore to judgment.

969. Unknown malefactors burgled the house of Osbert the chaplain of Scopton'[4] and killed Osbert, Robert his brother, Cecily, and Isabella. Walter son of Ralph the cook, the first finder, comes, and is not suspected. Walter Poydras, arrested for that death, comes and defends everything, and puts himself upon the country for good and ill. The jurors testify that he is guilty. Therefore, etc.[5] And because it is testified that the same Walter Poydras, when he was first accused of that death, was taken and led before the county [court], and the county [court] dismissed him under pledges, notwithstanding that he

[1] Sherborne. [2] Wincanton. [3] Then sheriff.
[4] Shepton Montague. [5] The margin says "*suspensus.*"

was accused of homicide (*de morte hominis*), the county is in mercy.[1] Walter had no chattels. No Englishry was presented touching the death of Osbert the chaplain; therefore murder.

970. Ralph son of Reginald de Bruh'e was crushed to death by a certain cart which fell upon him. No one is suspected. Judgment, misadventure. Price of the cart and the oxen which drew it 15*s.* 4*d.*, for which the sheriff must answer.

971. William Seys and Walter Brun beat Peter the forester of Wykauelton, and by reason of this fled to the church. Because they fled to the church the sheriff attached them, and they do not come. Therefore they and their pledges are in mercy. William's pledges, Richard the smith of la Penne and Richard Young; Walter Brun's pledges, Robert le Barun of la Penne and Walter le Carter of the same, William Young, and Adam Walkelin'.

972. Richard Sowyne wounded William le Deveneys with a certain knife (*knipulo*), so that after eight days he died. Therefore let him be exacted and outlawed. He was harboured at Northchiriton without tithing. Therefore the township is in mercy.

973. Concerning those who made inquest of homicide, they say that Richard de Wrotham held inquest (*fecit inquisicionem*) on the death of Walter de Cedra, and there took amercements for defaults. Therefore to judgment upon him.

974. Concerning defaults, they say that William de Monte Acuto, the Abbess of St. Edward, Robert de Mucengros, Reginald Hose of Holebrok, Henry de Godmanston', Henry Bile of Chadelinche, William Pen of Wynkaulton, and Henry son of the smith of Boyford did not come on the first day. Therefore they are in mercy.

THE HUNDRED OF TINTEHULL'[2] COMES BY TWELVE.

975. Ralph son of Matilda de Kingeston' was found drowned in the water of Kingeston'. The first finder comes and is not suspected. Judgment, misadventure. And because he was buried without view of the coroners, the township of Kingeston' is in mercy.

976. Touching defaults, they say that John de Burk', Reginald le Herd, William Sauser, and John Turstam did not come on the first day. Therefore all are in mercy.

[1] See *ante*, note to No. 912. See No. 943.

[2] Tintinhull.

THE HUNDRED OF HUNDESBERGH[1] COMES BY TWELVE.

977. Joel, a man of Walter del Brok, fell into a certain stone quarry so that he was killed. Richard Pres was the first finder, and he does not come. Therefore he and his pledges are in mercy, to wit, Baldwin Frende of Stoke and Gilbert Schet of the same. [Joel] was buried without view of the coroners. Therefore the township of Norton is in mercy.

978. William de Bray appealed Reginald de Aumarle of the peace of our lord the King, and of robbery, and he does not come. Therefore he and his pledges are in mercy, to wit, William Coche of Cisselberg' and John Serel of the same. Reginald comes, and the jurors testify that they [the parties] are not agreed, and that he is not guilty. Therefore he is quit.

Memb. 19*d.*

THE HUNDRED OF HUNDESBERGH—CONTINUED.

979. Matilda wife of Reginald de Odecumbe appealed Meynard son of Osbert le Carter for that he beat Reginald her husband, and shamefully treated him. Now she comes and sues against him. It is testified that Meynard has fled for that deed. Therefore his tithing is in mercy for the flight, to wit, the tithing of Robert Pile in Hardington. The jurors testify that the same Maynard beat the said Reginald, but that he died not of that. Therefore he may return if he will.[2]

980. John de Cinnok' appealed Augustin de Poghull and Thomas de Ferariis of breach of the peace of our lord the King, and robbery. John does not come. Therefore let him be taken, and his pledges are in mercy, to wit, Robert le Vautur of Montacute and Richard de Tintehull'. Thomas does not come. He was attached by William de Koker and William Puddinge of Suton'. Therefore all are in mercy. Augustin comes, and it is testified that they are agreed, and that Augustin struck him [John]. Therefore he is in mercy. Afterwards Augustin comes

[1] Hounsborough.

[2] We must infer that Matilda's charge was that Meynard had killed her husband, for she could not appeal for mere chastisement or injury, short of death following therefrom. The appeal fails, because the jury declare that Reginald did not die because he was beaten.

and makes fine for 1 mark by pledge of Thomas de Cirncestr' the younger and Baldwin de Wayford.

981. Edith, formerly the wife of Thomas de Estcinnok, appealed William Mareys, William de Glaunvill, and Malgerin the servant of the Archdeacon of Tanton', of the death of her husband. They were outlawed upon the suit of Edith. William le Maris was not in tithing because a free man. His chattels, *72s. 4d.*, for which the sheriff must answer. William Mareys had land and meadow. The year [and a day] of our lord the King and waste, *60s.*, for which the sheriff must answer.[1] Because Geoffry de Maundevill had that land and meadow without warrant for one year, and had thence profit to the value of *40s.*, he is in mercy, and must answer therefor. William de Glenvill and Malgerin were of the mainpast of the Archdeacon of Taunton', who is dead. Therefore, nothing. Afterwards comes Helewisa de Maundevill' and made fine for the year and waste for 5 marks by pledge of William de Wydiworth and William de Hewenberg.

982. Thomas Rugecote appealed Augustin de Porthehull', Robert his brother, Robert le Provur, and Stephen le Deveneys of the peace of our lord the King, and of robbery. Thomas does not come. Therefore let him be taken, and his pledges to prosecute are in mercy, to wit, Adam de Hardington and Warin Teobald. All the appellees come, and the jury testify that Augustin and Robert le Provur are not guilty, either of robbery or beating. Therefore they are quit. They testify that Robert, brother of Augustin and Stephen, are guilty. Therefore they are in mercy. Let them be in custody. And because the jurors concealed the appeal they are in mercy. Afterwards the said Robert and Stephen made fine for *20s.* by pledge of Thomas de Cyrncestr' the younger and Baldwin de Wayford'.

983. Lady Hawise de Sancto Claro broke down a certain boundary between the counties of Somerset and Dorset. Therefore she is in mercy. The sheriff is ordered that he should cause a view to be made of that boundary and should cause it to be as it anciently was.

984. Touching defaults, they say that the Abbot of Gresteng',[2]

[1] If a man were outlawed or convicted of felony, and he held land otherwise than from the King himself, the latter had the right to take it for a year and a day and waste it, before it actually escheated to the lord of whom the convicted person held. (Glanv., Book 7, ch. 17.) Here the "*60s.*" was apparently the annual value of the land.

[2] Grestain.

John de Gatesdon', Joan Bruer, William Marescallus, Hugh de Ringdsim, Robert Lanceleve, and Robert de la Ford' did not come on the first day. Therefore all are in mercy.

THE HUNDRED OF KINMERSDON COMES BY TWELVE.

985. Walter Hareng' found a man dead and devoured by dogs in the wood of Millecumbe, and this happened in the hundred of Wythstan,[1] so that nothing therein pertains to this hundred save that the finder was of this hundred. Therefore the twelve jurors are in mercy. And let inquiry be made by the hundred when [the matter] happened.

986. Robert Warin fell into a certain ditch, so that his neck was broken. No one is suspected. No Englishry; therefore murder.

987. Robert Bernard fled to the church of Kinmersdon', confessed himself a thief, and abjured the realm. He was in the tithing of Richard Bukel. Therefore it is in mercy. He had no chattels.

988. Christiana de Teaumes found Alice her daughter dead next the road of Mortuer. She does not come. Therefore she and her pledges are in mercy, to wit, William le Frankeleyn and E . . . de Teaumes.

989. Letice de Catteclive appealed Elias de Hull, Richard de Clopton, Jordan the man of Richard Cook of Merton, of rape and robbery. She does not come, and she has no pledges to prosecute beyond her faith. None of the appellees come. Therefore they and their pledges are in mercy. Elias was attached by W . . . de Welweton' and Roger the miller of the same. Richard was attached by John de Clopton and Reginald de Norton. Jordan was not found.

990. Four thieves passed through the hundred of Kinmersdon' to Cherelton,[2] and were captured and beheaded. It is testified that they were taken alive, and were afterwards beheaded without warrant. Therefore they who beheaded them are in mercy. It is testified by the jurors that Henry de Karevill,' Walter Hundest . . . , and Thomas de Kinmersdan', Alfred (*Alvredus*) de Lincol' and his servant, and Michael de Wauton' were at the beheading of the four men; that Henry de Karevill struck one of them in . . . . with a certain lance

[1] Whiston.

[2] Charlton, a hamlet of Kilmersdon.

and Michael came to the deed. It is not known, and it is not possible to prove, whether they who were beheaded were lawful men (*fideles*) or not. Therefore all are in mercy who were at that beheading. Afterwards came Michael de Wauton' and made fine for 5 marks by pledge of Gilbert de Welingdon, William Fossard, and Al . . . de Wauton'. Afterwards it is testified that Aubrey (*Albredus*) de Lincoln was not at the beheading, but that one Brun his *vilator*,[1] who was of his mainpast, cut off the heads of two. Therefore Aubrey is in mercy for [his] mainpast, and because he did not take him. He made fine for 30 marks by pledge of Richard de Langeford, William de Bykeleng', Ralph son of Bernard, Robert de Midelton', Laurence son of Robert, and William de Hewenb . . .

991. Ranulf son of the miller of Radestok appealed Nicholas the chaplain of Kinemersdon of the death of Nicholas his brother, and as accessory he appealed Robert Spark'. Nicholas the chaplain comes, and he cannot answer (*non potest respondere*) in a lay court. The jurors testify that he is not guilty, but that Robert Spark' killed him, [the appellor's brother]. Therefore let him [Robert] be exacted and outlawed. Likewise Robert de Inglescumbe is guilty of that death. Therefore let him be exacted and outlawed. Robert Spark' was in the tithing of Philip Godman of Kinmersdon'. Therefore it is in mercy. Robert de Inglescumbe was of the mainpast of Robert de Gant. Therefore he [Robert de Gant] is in mercy. Let Ranulf be in custody for his false appeal. He made fine for 20*s.* by pledge of E . . . de la Cumbe, John de Ponte, and William Folcard'.[2]

992. Malefactors burgled the house of Robert Schorlac of Himingdon.[3] The township of [Him]ington did not raise the hue. Therefore it is in mercy.

993. Richard Bukel and Ilebert Wytinge, accused of larceny and receiving, come and defend everything, and put themselves upon the country and the nearest four townships for good and ill. [The jurors and the townships] testify that they are not guilty. Therefore they are quit.

[1] *Quære*, Is this equivalent to *villicus*, an overseer or steward?

[2] Ranulf appealed the wrong man as principal, and suffers accordingly. Another criminal, Robert de Inglescumbe, is brought in by the indictment of the jury. Robert Spark and his fellow Robert have evidently fled.

[3] Hemington.

994. Alice wife of William Cade fell dead in the way as she went towards Chyuton', and on account of this William her husband has fled, and left behind him chattels to the value of 8*s.*, for which the sheriff must answer. And because the said husband is not suspected, let him return if he will.

995. Benedict de Cardigan appealed John de Torin, Andrew de Aungers, Stephen de Caun . . , and Robert de Tenesford' of breach of the peace of our lord the King, and Alexander de Munford for inciting, and he does not come. Therefore he and his pledges to prosecute are in mercy, to wit, Richard Bruce of Cherlton and Gilbert Cule of the same. The jurors testify that [the parties are not] agreed, nor are [the appellees] guilty. Therefore they are quit.

996. William Hayward of Kinmersdon' appealed the aforesaid John, Andrew, Stephen, and Robert of breach of the peace of our lord the King, and Andrew de Munford for inciting, and he does not come. Therefore he and his pledges to prosecute are in mercy, to wit, Gilbert de la Ford and Robert Meles. All the appealed come, and the jurors testify that they are not agreed, nor guilty. Therefore they are quit.

997. Michael son of Walter de Kinmersdon' appealed Alexander de Munford of breach of the peace of our lord the King. Michael does not come. Therefore he and his pledges to prosecute are in mercy, to wit, Richard le Tailur and . . . Nuert'. Alexander comes, and the jurors testify that they [the parties] are not agreed, and that he is not guilty. Therefore he is quit.

998. Walter son of Luwin de Kinmersdon' appealed Thomas the Hayward of Welwe of breach of the peace of our lord the King. Walter does not come. Therefore he and his pledges to prosecute are in mercy, to wit, Hugh . . and Theynewin Crede. Thomas comes, and the jurors testify that . . . . Therefore he is quit.

Memb. 20.

THE HUNDRED OF KINMERSDON'—CONTINUED.

999, Concerning suits of the hundred [courts], they say that Melles, a manor of the Abbot of Glaston', was wont to do suit (*sequi*) at the hundred [court] of Kinmersdon', at the sheriff's tourn (*ad turnum vicecomitis*), and to give 12*d.* at each time (*ad*

quamlibet terminum). And, moreover, the men of the manor do not allow the King's bailiffs to enter upon their lands, and now do not come; therefore to judgment.

1000. Concerning defaults, they say that Roger Syfrewast, John de Curtenay, Walter de Falclond', John son of the clerk (? *Lecl'*), Roger de Bocles, William de Toren', Margery daughter of Robert de Gurn[ay], Geoffry de Karevill, Alan de Walton, the Abbot of Keynsham, Walter Suthovere, and Richard de Bradelegh' did not come on the first day. Therefore all are in mercy.

THE HUNDRED OF WHYTSTON[1] COMES BY TWELVE.

1001. Geoffry Russel appealed Geoffry the draper (*draparium*) of Brideport for that he, on Sunday next after the feast of St. James, in the 26th year, came to him at the house of Robert de Columbariis and broke the door of the hall, and with a certain hatchet cut off the index finger of his left hand and took from him in robbery a knife and one belt of the value of 4*d.*, and one surcoat (*supertunicam*) of the value (*precii*) of 4*s.*, and one sword (*ensem*) of the value of 4*d.*; and that he did this wickedly and feloniously and in premeditated assault and against the peace of our lord the King, he offers to deraign against him as a man mayhemed[2] (*sic*, *homo mahematus*). And he says that there were with him [the draper] many others.[3] Geoffry [the draper] comes and defends everything word for word, and says that if the said Ralph (*sic*) Russel should make sufficient suit by what he may be able and ought to put to law (*poni ad legem*), he puts himself upon the country that he never mayhemed him or robbed him as is said.

John de Wathdon' appealed the same Geoffry for that at the same day and hour he was in the hall, and Geoffry came to him and broke the door of the hall and badly beat him and took from him in robbery a bow and twenty-three arrows of the value of 12*d.*; and of the chattels of his [John's] lord, which were in his charge, he took from him one leather jacket[4]

[1] Whistone.

[2] A man who is mayhemed is not bound to offer the duel, and in that case the appellee necessarily has to put himself upon the testimony of the country. Bract., fo. 142b.

[3] This is the only mention so far of the accessories who seem to have been also appealed. See *infra*.

[4] See note to No. 569. Plate armour was not in use at this early date.

(*loricam*) of the value of 12*s.*, and one hauberk of the value of 10*s.*, and two turkish coifs (*coifas turcosias*)[1] of the value of 2*s.* and one scapulary (*chalonem*) and two shirts (*duo linteam*) of the value of 6*s.*, and one coverlet (*coopertorium*) of the value of 40*s.*, and one (*c...tram*) of the value of 40*s.*, and one russet robe (*unam robam de rubeto*) of the value of 40*s.* 4*d.*, and one sword of the value of 10*d.*, and that this he did against the peace of our lord the King, wickedly and feloniously and in premeditated assault, he offers to deraign by his body as the court shall consider. Geoffry comes and defends everything word for word, and puts himself upon the country.

John de Piddle appealed the same Geoffry for that at the same day and hour he was in the hall, and there he [Geoffry] wounded him with a certain lance above the hollow of the foot (*supra kivellum pedis*[2]), and took from him in robbery one surcoat and a bow and twenty-three arrows of the value of 4*s.*, and that this he did against the peace of our lord the King, wickedly and feloniously and in premeditated assault, he offers to deraign by his body as the court shall consider. Geoffry comes and defends everything, etc., and puts himself upon the country.

Afterwards came Geoffry Russel, John de Whitdon', and John de Piddle, and withdrew themselves. Therefore they and their pledges to prosecute are in mercy. It is testified that they are agreed. Therefore Geoffry de Brideport and all the appellees[3] are in mercy. Afterwards came Geoffry, John and John the appellors, and made fine for themselves and their pledges for 5 marks, by pledge of Gilbert de Lauwerton, William de Paris, and Robert de Bosco. Afterwards came Walter brother of Geoffry de Bridport, and all the appealed as accessories, and made fine for 10 marks by pledge of Walter Gervays of Brideport, Peter le Border, Ernisius de Dunheved, and William la Ware.[4]

1002. Elys son of Jul' Penard fell from a horse, so that he died. No one is suspected. Judgment, misadventure. Price of the horse 2*s.*, for which the sheriff must answer.

[1] Probably coifs of mail brought from the East.

[2] At first I thought this was meant for *cavillam* ; *cavilla*, the ankle. See Martin, Gloss. ; but probably "*kivillum*" stands for *cavilem*, "a hollow place" : Ainsworth's Dict.

[3] All parties would be in difficulties for compromising without leave.

[4] These appeals perhaps grew out of the matter which forms the subject of No. 569, *ante*. Lamiat is in this hundred, and is perhaps the place referred to in No. 569 as Lamieton.

1003. John de Westden' was crushed to death by a door which fell upon him. No one is suspected. Judgment, misadventure. Price of the door 12*d.*, for which the sheriff must answer.

1004. John son of Edith de Bichenstok' was found drowned in the water of Alom. No one is suspected. No Englishry; therefore murder.

1005. Richard Bithewaye was drowned from a certain mare in the fishpond of Evenbergh'. No one is suspected. Therefore, misadventure. Price of the mare 3*s.*, for which the sheriff must answer.

1006. John Sturi of Almeton' was crushed to death beneath the wheel of a cart. No one is suspected. Judgment, misadventure. Price of the cart and oxen and of the crop which was in the cart 34*s.*, for which the sheriff must answer.

1007. Malefactors burgled the house of Gilbert de Mere and wounded him. Walter le Schir . . . and William le Webb of Well', arrested for this, come and defend everything, and put themselves upon the country and the four nearest townships. The jurors and the four townships testify that Walter and William came by night to Gilbert's house and broke his hedge (*hayam suam*) and the wood of his house (*boscum domus sue*), and wounded Gilbert in the belly and the shin so that his life was despaired of, and all this was because of a certain dispute on the day preceding the death concerning a debt of 3*s.* which they owed him. Therefore ——[1]

1008. Benedict de Gloucester and Dyonisia his wife fled to the church of East Pennard, confessed themselves thieves, and abjured the realm. The township of East Pennard did not make pursuit. Therefore it is in mercy.

1009. Eustace de Cantebrig', accused of burglary and larceny, comes and defends everything, and puts himself upon the country and the four nearest townships. The jurors and the four townships testify that he is guilty. Therefore . . . . Eustace's chattels, 15*s.*, for which the sheriff must answer.

1010. Richard the clerk of Dunheved appealed Richard Young of Legh of the peace of our lord the King, and of wounds and robbery. Richard does not come. Therefore let him be taken, and his pledges to prosecute are in mercy, to wit, Osbert

[1] There is no judgment beyond the note in the margin that they are to be taken into custody.

le Chynet of Dunheved and . . . the miller of the same. Richard Young comes, and the jurors testify that they [the parties] are not agreed, but that . . . . [he, Young struck?] him on the head. Therefore he is in mercy; let him be in custody. Afterwards Richard Young came and made fine for ½ mark by pledge of Robert de Dicheshayt and Nicholas de Nuers.

1011. Simon le Waleys appealed in the county [court] John de la Pitte of the peace of our lord the King and of robbery. . . [Simon] comes, and does not sue against him [as he] first appealed. Therefore he is in mercy. Let him be in custody. John comes and . . . . [1] that he beat and disgracefully treated him. Therefore he is in mercy. Let him be in custody. Afterwards Simon came . . . . [and made fine] for ½ mark by pledge of Ernisius de Dunheved. Afterwards came John de la Puto . . . . by pledge of Osbert the reeve of la Legh and Richard de la Clive.

1012. William Balle appealed in the county [court] Robert de Wylteshir' of the peace, etc., and robbery. And William comes and does not sue against him [as he] first appealed. Therefore he is in mercy. Let him be in custody. Robert comes, and the jurors testify that he is not guilty. Therefore he is quit. John[2] is in mercy for his false appeal. Afterwards William came and made fine for ½ mark by pledge of Ernisius de Dunheved.

1013. Roger de Wyka appealed John Mangne of the peace, etc., and robbery. Roger does not come. Therefore he and his pledges to prosecute are in mercy, to wit, Richard the reeve of Dunheved and Richard le Busselar of the same. The jurors testify that they are not agreed, but that John is guilty of beating. Therefore he is in mercy. Afterwards came . . . . and made fine for 10*s*. by pledge of Robert the Frenchman and Samuel de Melles.

To the foot of this membrane there is stitched a fragment of parchment, the writing upon which is almost lost.

1014.

This entry apparently relates to an intrusion made by men of William de Paris, of whom one was William de Gillingham, by night upon some land at Boncham, where they cut down three ash trees and an oak. The jurors of the hundreds of Whystan, Catesasse, Bruyton, Frome, and Hawthurn', seem to be occupied in the matter, and some one pays the considerable fine of 20 marks by pledge of Geoffry de Mareys and others.

[1] Perhaps the words that are here illegible mean that the jury say this.
[2] This is a slip for William.

Memb. 20*d.*

THE HUNDRED OF WHYTSTAN'—CONTINUED.

1015. Richard son of Edward appealed William Magne in the county [court] of the peace of our lord the King and of beating and robbery. Richard comes, and does not sue against him as he first appealed (*non sequitur versus eum sicut eum primo appellavit*[1]). Therefore he is in mercy. Let him be in custody. William comes, and the jurors testify that he beat [Richard] as he appeals. Therefore he is in mercy. Let him be in custody. Afterwards Richard came and made fine for ½ mark by pledge of Ernisius de Dunheved. Afterwards William Magne came and made fine for 10*s.* by pledge of the said Robert and Samuel.

1016. John Patrik appealed Robert de Wylteschir'[2] of the peace, etc., and robbery. John does not come. Therefore he and his pledges to prosecute are in mercy, to wit, John de Bradewey and John le Thike. Robert comes, and the jurors testify that they [the parties] are not agreed, and that he [Robert] is not guilty. Therefore he is quit. Afterwards John Patrick came and made fine for himself for ½ mark by pledge of the same Ernisius de Dunheved.

1017. Thomas le Pen was taken and imprisoned at Dunheved[3] by the men of Nicholas de Dunheved, and he was detained against gage and pledge and against the bailiff of the hundred. After that the bailiff was ordered in the county [court] that he should deliver him, but the men of the same Nicholas raised a certain drawbridge (*pontem turnaicium*) so that the bailiff should not enter. The bailiff then raised the hue and withdrew. And because it is witnessed that Nicholas Dunheved detained him against gage and pledge after one Samuel de Melles would have given gage and would have found pledge to show that he [Thomas] was his man, therefore to judgment on him. Let him be in custody. Afterwards Nicholas came and made fine for 40*s.* by pledge of Ernisius de Dunheved and William Haket.

1018. The jurors present that Henry de Kamel obstructed a certain road near the mill of Batecumbe.[4] Therefore he is in mercy. The sheriff is ordered that he should view the road and amend it.

[1] I so extend "*nō seq' ip̄sus eū sic̄ eū p̄mo appt̄.*"
[2] *Cf.* No. 1012. [3] Downhead. [4] Batcombe.

1019. William la Ware complains that Benedict de Brenton, together with Robert de Clivedon, Ralph the carpenter, and James de Middelton entered his garden and took his apples and beat him; but because that matter was not attached in the county [court], and moreover [because] Benedict, who is present, is not guilty, William is in mercy.

1020. Osbert de la Bergh', Peter de la Mare, John, de Henleghe, Adam Black (*niger*) of la Strete, Adam le Wyse of Jottesham, Blakeman de Lottesham, Walter le Trichur of la Stane, Alexander de Linham, Juliana Dore, and Robert son of Richard the Frenchman, accused of larceny, come and defend everything, and put themselves upon the country and the four nearest townships for good and ill. The jurors testify that Peter de la Mare, John de Henlegh, Osbert de la Bergh', Adam Black of la Strete, Blakeman de Lottesham, Alexander de Linham, Walter le Trichur, and Juliana Dore are not guilty. Therefore they are quit. It is testified that Adam le Wyse and Robert son of Richard are guilty. Therefore, etc.[1] Adam's chattels, 10*s*., for which the sheriff must answer. The chattels of Robert le Fraunceys, 14*s*., for which the sheriff must answer.

The Hundred of Melles comes by six.

1021. Malefactors came to the house of William de la Clive, and when they were perceived they fled. It is not known who they were, but Walter Puleyn is suspected, as appears elsewhere in the hundred of Ceddre.[2]

1022. Clarice de la Clive was drowned in the water of Fobbester'. No one is suspected. Judgment, misadventure. And because the jurors testify that view was made by other coroner than he who made view, they are in mercy for false presentation.

1023. Richard de la Legh appealed John de la Wall' and Philip servant to Richard de la Wall'. Richard comes and sues against them. John does not come. He was attached by Osbert Russel and John de la Barwe. Therefore he and his pledges are in mercy. Philip was attached by William Siward' and John de la Wode. Therefore he and his pledges are in mercy. It is testified that there is no agreement. Therefore

[1] There is a marginal note "C^{9}"—*custodiatur* or *custodiantur*, which must refer to Adam and Robert.

[2] See No. 788 *supra*.

Richard is told that he should sue against him in the county [court] until, etc.[1]

1024. Osbert son of Maurice the miller of Ludewell, concerning whom it was said that he was with evildoers in Selewood' who took him and by force detained [him], was soon after taken and delivered to the gaol at Yvelcestr' in the time of Jordan Oliver,[2] and it is not known how he was liberated; but because he has withdrawn himself, therefore his tithing is in mercy, to wit, the tithing of Melles. And because he is not suspected let him return if he will.

1025. John de Melles appealed Hugh he Hogeford' for that on Wednesday next after the feast of St. Andrew, in the 27th year, he [Hugh] collected John's goods into his chamber and would carry them off and attempted to break into a certain chest, and when he was surprised Hugh wounded him [John] and struck him on the head and mouth so that he lost a tooth, and that this he did against the peace of our lord the King wickedly and feloniously he offers to deraign as a man who has passed age.[3] He says that when this was done Hugh was his servant and in his house. Hugh comes and defends everything, etc., and puts himself upon the country. The jurors testify that there was a dispute between them because Hugh had ploughed certain other land than that which he was ordered to plough, and John threatened him. On this account Hugh wished to leave John's service, and took his own clothes (*pannos suos proprios*), and because John would not allow him to leave, Hugh struck John on the head with a club. But John lost no tooth, nor did Hugh attempt to carry off John's goods as John appeals him. Because Hugh struck him on the head he is in mercy. Likewise John is in mercy for his false appeal. Afterwards Hugh came and made fine for 1 mark by pledge of Richard le Lung, Sampson de Heydon, and John de Lysun; and John came and made fine for ½ mark by pledge of Samuel de Melles.

1026. Concerning defaults, they say that William Peytevin, Henry Suthovere, and John Mart, parson of Aure, did not come on the first day. Therefore they are in mercy.

[1] until, that is, outlawry. The record does not say expressly that Philip did not come, but the inference is clear that he did not.

[2] The sheriff.

[3] An appellor who has "passed the age" was not bound to offer battle. The age seems to have been sixty years: Bract., fo. 138b and fo. 142b.

THE HUNDRED OF FROME COMES BY TWELVE.

1027. John son of William Futsadame was attached that he should come before the justices on account of a certain burglary which was made at the house of William his father. He does not come. Therefore he and his pledges are in mercy, to wit, Richard Chesecrume and Robert Tumbak'. And because the township of la Rode did not make pursuit [after the burglars] it is in mercy.

1028. Malefactors killed William Plente at the house of Herward Rick'. It is not known who they were. No Englishry; therefore murder. The tithing of the Abbot of Cirncestr' in Tyderington' did not make pursuit. Therefore it is in mercy.

1029. Elyas de Wales killed Robert Coppe, and fled. Therefore let him be exacted and outlawed. No Englishry; therefore murder. He [Elyas] was in the tithing of Edward de Wodheved of Frome; therefore it is in mercy. His chattels, 32*d.*, for which the sheriff must answer. Hugh de Bristold', John de Bathon', and William le Buter are suspected of that death. Therefore let them be exacted and outlawed. They were not in tithing, nor had they chattels, for they were strangers.

1030. Malefactors burgled the house of Ralph Leundi of Waundestr'[1] and killed Matilda, Ralph's daughter. Agnes, Matilda's mother, was then present, and the jurors falsely presented the finder. Therefore they are in mercy.

1031. Walter son of Hubert fell from a certain oak, so that he died. No one is suspected. Judgment, misadventure. Price of the oak 6*d.*, for which the sheriff must answer.

1032. Malefactors burgled the house of the chaplain of Clasford.[2] It is not known who they were. And because . . . . [the township] of Clasford did not make pursuit, it is in mercy.

1033. . . . de Nuni appealed Henry son of Alexander de Munfort and Robert de Torni of felony and breach of the peace of our lord the King and wounds, and they come. Upon this came the official of the Archdeacon [? of Taunton, and said] that they were clerks, and claims to have them in the spiritual court to stand to right. And . . .[3]

1034. Malefactors burgled [the house] of Gilbert Hareng' in

[1] Wanstrow. [2] Cloford. [3] The rest is illegible.

Nuni.[1] It is not known who they were. And because the township of . . . did not make pursuit, it is in mercy.

Upon the back of the fragment of parchment previously referred to is an entry almost illegible. So far as it can be deciphered it is as follows :—

1035. [These are] the coroners in this county: William de Parys, Geoffry . . . , Jordan la Warre, Gilbert de . . . . . for that . . . . . Matthew de Clivedin . . . is . . . .

Memb. 21.

THE HUNDRED OF FROME—CONTINUED.

1036. Touching escheats, they say that Richard de Sancta Mora holds one knight's fee in la Rade of Ralph Russel, which was formerly an escheat of the Norman lands.[2] It is testified that our lord King John gave that land to John Russel, his [Ralph's] father.

1037. The jurors present that Richard de Wrotham made inquest touching the death of Walter de Ceddre his servant, and took amercements for defaults. Therefore to judgment.

1038. Concerning defaults, they say that John de Fluri, Katharine de Monte Acuto, William de Radene, Nicholas de Sancta Mora, Alexander de Munford, John de la Wegford', Reginald de Aubemare, James Hose, Robert le Sauser, Roger de Radene, John de Torney, John Bacun, Adam Alunold, John the goldsmith (*Aurifaber*), William Adelleline, William de la Purie, William le Turnur, and Amabel Michel did not come on the first day. Therefore they are in mercy.

THE HUNDRED OF CATESSASSE COMES BY TWELVE.

1039. A boar-pig killed a certain boy who fell into his stye (*purcellus occidit quandam puerum qui jacuit in cinis suis*). No one is suspected. Judgment, misadventure. Price of the pig 12*d.*, for which the sheriff must answer.

1040. Malefactors burgled the house of John the Palmer of Babbekari.[3] It is not known who they were. Clarice, John's wife, was suffocated. John her husband, the first finder, comes, and is not suspected. The jurors falsely presented the finder. Therefore they are in mercy.

[1] Nunney.

[2] These were the possessions of Normans which were seized into the hand of the King, Henry III., on the separation of Normandy from England. [3] Babcary.

1041. Gilbert the miller was crushed by the mill-wheel, so that he died. No one is suspected. Judgment, misadventure. Price of the wheel *2s.*, for which the sheriff must answer.

1042. One William de Ayscote was a guest in the house of John Sene of Limin', and in the night he killed John and Avice his wife. No Englishry; therefore murder. It is testified that William was hanged in Devon. Because William de Assche, Gilbert Sene, Richard del Assche, and Geoffry Peydias falsely represented themselves to be kinsmen [of the slain], they are in mercy. They made fine for 1 mark by pledge of Richard le Venur and Geoffry de Limington. The jurors falsely presented Englishry upon their roll. Therefore they are in mercy. The township of Lemington' did not present Englishry at the county [court]. Therefore it is in mercy.

1043. Henry the Clerk of Kari hanged himself in his house. Edith his daughter, who first found him, comes, and is not suspected. Judgment, *felonia de se.* His chattels, *7s. 7d.*, for which the sheriff must answer.

1044. Henry son of Emelot, arrested upon suspicion of larceny, comes and defends everything, and puts himself upon the country and the four nearest townships for good and ill. The jurors testify that he was at the burgling of the house of Adam le Foteri, and that he is guilty of other deeds. Therefore, etc.[1] His chattels, *4s.*, for which the sheriff must answer.

1045. Nicholas son of Martin, Henry his brother, and Richard Ruffus, arrested for larceny, come and defend everything. The jury testify that they are not guilty. Therefore they are quit.

1046. The jurors present that a third part of one-half of the tithing of Berton' was wont to do suit at the hundred [court] of our lord the King of Catessasse, and that suit was withdrawn by J. Bishop of Bath, and now [they] make suit at the hundred [court] of the Abbot of Glaston of Wytstan, and it is not known by what warrant. Therefore this must be discussed.

1047. The jurors present that the tithing of Berwe was wont to do suit at the hundred [court] of Catessasse when our lord the King crossed into Gascony, and ever since [the suit] has been withdrawn by Geoffry de Wulward'. Therefore it must be discussed.

1048. Concerning ladies (*dominabus*), they say that Hawise, wife of Nicholas de Moles, was in the gift of our lord the King,

[1] The marginal note says that he is to be hanged.

and our lord the King who now is gave her to Nicholas. Her land in this hundred is worth £22. Therefore to judgment.[1]

1049. Thomas Dun of Berton, William son of Adam the chaplain of Northberwe,[2] and Laurence son of Marker, accused of larceny, fled. Therefore let them be exacted and outlawed. Thomas was in tithing in Berton' in this hundred. Therefore it is in mercy. His chattels, 2*s*., for which the sheriff must answer. William was not in tithing, but he was received at Langeport without tithing. Therefore it [the township] is in mercy. Laurence was not in tithing, but was received at Halton' in the hundred of Whyteleg'. Therefore it [the township] is in mercy. He had no chattels.

1050. Touching defaults, they say that Dolond de Vall[ibus], John de Travers, Geoffry de Wlward, Nicholas de Moles, and the Prior of Bermundes' did not come on the first day. Therefore they are in mercy.

The Manor of Sterte comes by six.

1051. They say nothing but what should be said before [*i.e.*, by the hundred].

The Hundred of Coker comes by twelve.

1052. Part of a crop (*quidam pars bladi*) fell upon Edith daughter of Mariota, so that she was pressed to death. No one is suspected. Judgment, misadventure. Price of the crop 2*s*., for which the sheriff must answer.

1053. John Cubille appealed Hugh de la Hyele, Thomas de Chaldewell, and Robert Wygod of the peace of our lord the King and of wounds. John does not come. Therefore he and his pledge to prosecute are in mercy, namely, Ralph Pegge of Chatikyol in the county of Dorset. Let him be taken.[3] All the appellees come, and the jurors testify that they are not agreed nor guilty. Therefore they are quit.

1054. Touching defaults, they say that Geoffry de Maundevill', Cecily lady of Suton', Robert de Gredehe . . , Robert le Bridd', Petronilla de la Lude, William Burel, and Girard de

[1] I cannot explain why these three words were added. The roll is perfectly clear.

[2] North Barrow.

[3] This refers to John. In the original it is inserted immediately before the phrase beginning with "namely." Probably the clerk wrote "*cap*" and then remembered that he had not named John's pledge as he ought to do.

Esse did not come on the first day. Therefore they are in mercy.

THE MANOR DE MONTE ACUTO COMES BY SIX.

1055. Cecily daughter of Alfred de Halton appealed Walter de Stantellum of rape. She does not come, nor had she any pledge to prosecute except by [her] faith. Walter comes, and the jurors testify that they [the parties] are agreed. Therefore Walter is in mercy. Afterwards Walter came and made fine for ½ mark by pledge of Walter Luvering' and Robert le Waugtr'.

1056. Emma Corbin' appealed Ralph le Prior of Soc[1] of rape, and she does not come, nor had she any pledge to prosecute except by [her] faith. Ralph does not come, nor was he attached. And because the jurors call him Ralph and he is called Robert, they all are in mercy.

1057. Clarice de Odecumbe appealed William the miller of Monte Acuto for that he had connexion with her and deflowered her (*concubinavit cum ea et eam defloravit*), and because she does not speak in words by which she may put to law, let inquiry, etc. William comes, and the jurors testify that he is not guilty, and that she appealed him by the instigation of her mother. Therefore let her be committed to gaol, and William is quit.[2]

1058. Concerning wines sold against the assize, they say that Robert de la Sale has sold wine contrary to the assize. Therefore he is in mercy.

THE MANOR OF PERINTON' COMES BY SIX.

1059. Touching defaults, they say that Thomas Trevet and Ralph Trevet, two of the jurors, did not come on the first day. Therefore they are in mercy.

THE MANOR OF POTTENEY COMES BY SIX.

1060. The men of Bere took a certain Vicar, Henry de Gaunt, and imprisoned him. Therefore they are in mercy.

[1] Sock Denys, in Ilchester, or Tintinhull.

[2] Clarice's appeal is informal, possibly because she did not allege that William acted wickedly and feloniously and against the peace—in other words, against her will. As the record stands, she might have been a consenting party. The various pleas that an appellee might raise are stated by Bracton, fo. 148.

Memb. 21*d.*

THE MANOR OF CRANMERE COMES BY SIX.

1061. They say nothing.

THE MANOR OF WRINGTON' COMES BY SIX.

1062. Malefactors came to the house of Edith Luvelece and burgled it, wounded Edith, and killed Sabina her daughter. Walter le Simer, John his brother, and Cecily his mother, are suspected of that deed. Therefore let them be exacted and outlawed. They dwelt at Cumptun' Martin'. Therefore [the township] is in mercy. And because the jurors present that Walter was hanged and he was not, all are in mercy.

THE MANOR OF BRENTEMAREYS COMES BY SIX.

1063. Concerning defaults, they say that Thomas de Verdon, Thomas de Bello Campo, Philip son of Richard, Thomas de Marisco, Robert de Marisco, and Stephen le Bret did not come on the first day. Therefore they are in mercy.

THE HUNDRED OF MERTTOK[1] COMES BY TWELVE.

1064. Thomas le King was found drowned in a certain ditch in Merttoke. Thomas of Ireland, who was attached for this, comes, and is not suspected. The jurors did not present the attachment ; therefore all are in mercy.

1065. Alice Joye appealed William son of Hugelin of rape, and she does not come, nor had she pledges beyond [her] faith. William comes, and the jury testify that they are agreed. And because William is guilty of the deed, he is in mercy. Let him be in custody. Afterwards William came and made fine for 100*s.* by pledge of Eustace de Merttoke, Walter le Messager, John de Wydecumbe, and William de Clavill. Let Alice be taken.

1066. William King killed John Girard and fled to the church of Merttoke. He confessed the deed and abjured the realm. No Englishry ; therefore murder. He was in the tithing of William Blund in Wythicumbe.[2] Therefore it is in mercy. His chattels, 2*s.*, for which the sheriff must answer.

[1] Martock.

[2] Witcombe, a hamlet of Martock.

1067. Alice daughter of Thomas Snelgar appealed Robert Giffard of Esse[1] of rape. Alice does not come, nor had she pledges beyond [her] faith. Robert comes. The jurors testify that they are agreed, but that he is not guilty. Therefore he is in mercy. Let him be in custody. Let Alice be taken. Afterwards Robert came and made fine for 2 marks by pledge of Pharamus de Bolonia and Andrew de Esse.[2]

1068. The jurors present that Robert de Sancto Claro holds ten librates of land in Stapelton[3] by service of serjeanty and by service of bearing a towel (*manutergium*) before our lady the Queen on the day of Pentecost. Therefore this must be discussed.

1069. Touching defaults, they say that Engelramus de Fingnes, William le Huncle the clerk, Thomas de Capes, and Walter de Facunbrige did not come on the first day. Therefore they are in mercy.

THE BURGH DE CAPITE MONTIS[4] COMES BY TWELVE.

1070. Geoffry Chard' and Richard Boye were drowned from a boat. No one is suspected. Judgment, misadventure. Price of the boat 2*s.*, for which the sheriff must answer.

1071. Philip de Columbariis did not come on the first day. Therefore he is in mercy. And because the jurors concealed this, they are all in mercy.

Now of the West of the Paret.[5]

THE MANOR OF CRYCHE COMES BY SIX,

1072. And they say nothing.

THE BURGH OF BRUGEWALTER[6] COMES BY TWELVE.

1073. William Scipman was drowned from a boat in the water of the Paret. No one is suspected. Judgment, mis-

[1] Ash, a hamlet of Martock.

[2] This is yet another instance of the danger of compromise without leave. Robert is said to be innocent of the charge, but he has come to some arrangement with Alice, and so he has to pay the considerable fine.

[3] Stapleton, a hamlet of Martock. See "Testa de Nevill," p. 162, for this serjeanty somewhat more extensive.

[4] See note to No. 229.

[5] The river Parret.

[6] Bridgwater.

adventure. Price of the boat *2s.*, for which the sheriff must answer.

1074. William de Playfeld was drowned from a boat in the water of the Paret, and Roger de la Were, who was then with him, fled through fear. And because he is not suspected, he may return if he will. It is testified that the boat was never found. Therefore, nothing. And because Roger fled, and the township of Briges had him not to right, it is in mercy. He had no chattels.

1075. Walter de Kentelbergh' has sold cloth against the assize. Therefore he is in mercy. Likewise the same Walter, Philip le Wayder, and Cecily de Munemue have sold wine contrary to the assize. Therefore they are in mercy.

The Hundred of Taunton comes by twelve.

1076. Richard le Hose fell from a certain beam in the church of Taunton, so that he died. No one is suspected. Judgment, misadventure. Price of the beam *6d.*, for which the sheriff must answer. It is testified that the coroners do not enter that hundred.

1077. Richard Pinel struck John le Rat on the head with a hatchet, so that he died. Richard fled to the church of Taunton and abjured the realm. He was in the tithing of Robert Bithewod'. Therefore it is in mercy. His chattels, *4s.*, for which the sheriff must answer.

1078. A certain stranger was found dead in a ditch in Concheluestón'. John de la Strete, the first finder, comes and is not suspected. No Englishry; therefore murder.

1079. Richard de Bray appealed John son of Edwin de Filetham, Alfred son of John, and William son of Hugh of the same, of the peace of our lord the King, and of beating. Richard does not come, therefore he and his pledges to prosecute are in mercy, to wit, Owen[1] (*Audoenus*) Aylewin and Simon Bigge of Stapell'. John, Alfred, and William come, and the jurors testify that they [the parties] are not agreed, but they beat him. Therefore they are in mercy. Let them be in custody. Afterwards they came and made fine for 2 marks by pledge of Hugh de Filetham, Aylmer de la Port, and Adam de Schordiche.

[1] or Oswyn. See the next case.

1080. Oswyn Alwin and Simon Bigge appealed William de Spauding, who is dead, of robbery and breach of the peace of our lord the King. Oswyn and Simon do not come. Therefore they and their pledges to prosecute are in mercy, to wit, Richard Bubbe of Stapell, Adam Bubbe of the same, John de Farlegh', and William Fayrlok of Stapell'.

1081. The house of Haghenild' de Nighenhide was burgled by unknown malefactors. The vill of Nighenhide Fluri did not make pursuit. Therefore it is in mercy.

1082. John Hereward' appealed Ranulf de Flury for the burning of his barn (*orrei*). John does not come. Therefore he and his pledges to prosecute are in mercy, to wit, John de Everle and Peter de Tukeswell. Ranulf comes. And Edelota, formerly the wife of William the clerk, who was so burned in that barn that he died, comes and appeals Ranulf and William his servant for the death of her husband. William and Ranulf come, and William who is appealed as principal (*de facto*) comes and defends everything, and puts himself upon the country. The jurors and the four townships, except William de la Ford, who is one of the jurors, say upon their oath that he is not guilty as principal nor Ranulf of inciting (*de precepto*). They say also that Edelota made that appeal by the instigation of John de Renny. Therefore John is in mercy. Likewise Edelota is in mercy for her false appeal. Let her be committed to gaol. Afterwards John de Renny came and made fine for 10 marks by pledge of Ralph son of Bernard and Richard de Mucegros of Sandercumbe . . . . .

1083. Edwin de Corf found Robert Treiebat dead in the way between Dudeleston and Corf. [As] first finder he comes, and is not suspected. No Englishry; therefore murder.

1084. Matilda de Staunton' found William her husband dead in a certain marlpit (*marlera*). She does not come, and she was attached by John de la Lupe and Thomas de la Lupe of Ake. Therefore all are in mercy.

1085. Thomas de Hacherdon' fell from a horse into the water of Filkeford'. No one is suspected. Judgment, misadventure. Price of the horse *2s.*, for which the sheriff must answer.

Memb. 22.

THE HUNDRED OF TAUNTON'—CONTINUED.

1086. William son of Adam de Bellebir' found William de Whytecirche killed in the fields of Olebir'. Alfred the miller (*le muner*) of Bradeford' is suspected of that death. Therefore let him be exacted and outlawed. He was in the tithing of Walter Wlwin. Therefore it is in mercy. He had no chattels.

1087. Richard Winger of Oterford' killed Laurence son of Hugh de Oterford' and fled to the church of Oterford and abjured the realm. He was in the tithing of Eustace de Oterford in Oterford. Therefore it is in mercy. He had no chattels. And because the township of Oterford did not make pursuit, it is in mercy.

1088. Concerning ladies, they say that Katharine de Monte Acuto was in the gift of our lord the King, and was twice given in marriage by our lord the King (*et bis maritata per dominum Regem*). It is not known whether she be married or not (*si sit maritata vel non*). Her land in this hundred is worth £20.

1089. Christina, the wife of Robert le Carter, was found drowned in a certain ditch at Punderesford'.[1] Agnes her daughter, the first finder, does not come. She was attached by Robert her father. Therefore he is in mercy.

1090. Simon Bigge appealed Robert de Bosco and John de la Heginge of breach of the peace of our lord the King. Simon does not come. Therefore he and his pledges to prosecute are in mercy, to wit, Richard Baldewin of Stapell and William Cridehun of the same. Robert and John come. The jury testify that they are not agreed, but that Robert de Bosco wounded him [Simon] with an arrow. Therefore he is in mercy. Let him be in custody. They say that John is not guilty; therefore he is quit. Afterwards Robert came and made fine for 1 mark by pledge of Stephen le Kinge and John de Blakedon'. Afterward Simon Bigge came and made fine for himself and his pledges for 20*s.* by pledge of Henry de Cerne.

1091. Concerning defaults, they say that Nicholas de Merisete, Hamelin Deudune, Henry de Vernay, Katharine de Monte Acuto, Aubrey (*Albreda*) de Boteraus, Jordan de Alsewill,[2]

[1] Poundsford.

[2] Over this name is written "*languidus.*"

Richard de Estcumbe, William Meclefrayn, Robert the clerk of Estcumbe, Roger Baupel, Richard the Franklin of Saford', Thomas the clerk of Estcumbe, Walter le Keu, and William Russel of Orchard did not come on the first day. Therefore they are in mercy.

THE BURGH OF TANTON COMES BY TWELVE.

1092. Concerning cloth sold, they say that William Dwole, William Trull', Henry Tinctor, Richard Kat, Adam Dis, Roger Patrich', Robert Fromund', and Robert Nunige have sold cloth against the assize. Therefore they are in mercy.

1093. Concerning wines sold against the assize, they say that William Fize, Ralph Coce, Roger Patrich', Adam Dis, and Roger Pode have sold wine against the assize. Therefore they are in mercy.

1094. William de Totenes, a certain wandering rogue (*quidam ribaldus itinerant*), was taken at Tanton' and he escaped from the prison of the vill of Tanton', fled to the church, and abjured the realm. Nothing is known of his tithing or chattels, because he was a stranger. Because he escaped from the common prison of the same vill, [the township] is in mercy.

1095. Thomas de Milverton' was suspected of many larcenies, and fled. Therefore let him be exacted and outlawed. He was not in tithing because [he is] a clerk, nor had he chattels.

THE MANOR OF NEWETON' COMES BY SIX.

1096. William de Bikebir' was found drowned in the fishponds of Newton'. Richard Cusin, the first finder, comes and is not suspected. No Englishry; therefore murder. The jurors falsely presented Englishry; therefore they are in mercy.

1097. Peter de Aysse appealed Walter de Exeton' for that he broke into his house and beat him, disgracefully treated him, and took from him 13*d.*, and that he did this wickedly and feloniously he puts himself upon the country. Walter comes and defends everything, and puts himself upon the country. The jurors and the four townships testify that Walter is not guilty of burglary, but they say that he beat him as he [Peter] appealed him. Therefore he is in mercy. Peter is in mercy for his false appeal. Afterwards both came and made fine for 1 mark

Walter's pledges for ½ mark, Robert Hamelin and Baldwin de Ho. Peter's pledges for the other ½ mark, John de la Wurth of Wynesford' and William de Bradelegh of the same.

1098. Touching defaults, they say that Richard de Wrotham, Thomas de Perham, and Andrew de Chanceaus did not come on the first day. Therefore they are in mercy.

THE HUNDRED OF WELINTON' COMES BY TWELVE.

1099. Thomas de Stanton' was found killed below Holecumbe, and Martin Girard and Adam the miller (*le muner*) were outlawed for that death upon the suit of Peter his father. Martin was in the tithing of John Young in Bokland. Therefore it is in mercy. He had no chattels. Adam was in the tithing of Richard de Chilvest' in Hamme. Therefore it is in mercy. He had no chattels.

1100. Geoffry son of Andrew wounded Henry son of William, so that he died. [Geoffry] fled. Let him be exacted and outlawed. He was in the tithing of Clatewurthy.[1] Therefore it is in mercy. He had no chattels.

1101. Nicholas de Schet wounded William his brother so that he died. [Nicholas] fled. Let him be exacted and outlawed. He was in the tithing of Little Baggebergh'. Therefore it is in mercy. His chattels, 21*s.*, for which the sheriff must answer. The jurors presented that his chattels were not worth more than 1 mark. Therefore they are in mercy.

1102. John Serun and William de la Boye killed Richard Kache and were outlawed upon the suit of William Kach' his father. They fled. Therefore let them be exacted and outlawed.[2] They dwelt at Great Bagewurth. Therefore it is in mercy. William's chattels, 3*s.*, for which the sheriff must answer. John's chattels, 5*s.*, for which the sheriff must answer. The chattels were delivered to Robert Bardolf of West Baggebergh' and Gilbert Wysdom of the same, so that they should have them before the justices, and they had not. Therefore they are in mercy.

1103. William Prudd, whom William le Provur appealed for

[1] See No. 1163.

[2] I cannot explain this. If they had already been outlawed on the suit of the dead man's father, why this direction? Perhaps the first statement was shown to be inaccurate; perhaps there had been defect in the process, or perhaps the clerk made a mistake. See *post*, No. 1109.

consorting and larceny, comes. He is not suspected. Therefore he is quit.

1104. Alice, formerly the wife of Robert the cobbler (*Sutoris*), appealed Richard de Lydeyard of mayhem of her shoulder. Richard comes and defends everything, and puts himself upon the country. The jurors testify that he is not guilty. Therefore he is quit.

1105. William Kache, arrested for clipping coins, came and confessed himself guilty. Therefore, etc.[1] His chattels, 2*s*., for which the sheriff must answer. Also 15*d*., for which the sheriff must answer.[2]

1106. Concerning wines, they say that Herbert de Solurio has sold wine against the assize. Therefore he is in mercy.

1107. Concerning defaults, they say that Ralph Trevet and Jordan de Herpeford did not come on the first day. Therefore they are in mercy.

Memb. 22*d.*

THE HUNDRED OF NORPERTON[3] COMES BY TWELVE.

1108. Walter Bragge, Robert Hode, William the little miller (*le petit muner*), and Margery his wife beat Jordan Heywulf' so that he died. William and Margery fled to the church of Perton' and abjured the realm. William was in the tithing of the Hospital of Perton'. Therefore it is in mercy. His chattels, 3*s*., for which the sheriff must answer. Walter and Robert have fled. Therefore let them be exacted and outlawed. They were in the same tithing. Therefore it is in mercy. They had no chattels.

1109. Robert Boye was outlawed for the death of Richard la Bule upon the suit of Matilda, Richard's wife. Afterwards it is testified that he was not outlawed. Therefore let him be exacted and outlawed. He dwelt at *Capite Montis*. Therefore it is in mercy. It is not known what chattels, etc.

1110. Walter Makerel was run over by a cart, so that he died. No one is suspected. Judgment, misadventure. Price of the cart and oxen 25*s*., for which the sheriff must answer

1111. Joan wife of John de Stretheholt found Isabella her daughter drowned, and she does not come. Therefore she and

[1] This means that he was to be hanged, as we see from the margin.
[2] The 15*d*. was no doubt a later addition.
[3] North Petherton.

her pledges are in mercy, to wit, Hugh de la Hele of Strethe-holt and Robert Hamiletim' of the same. No one is suspected Judgment, misadventure. And John le Waleys presented that she was pregnant (*in puperio*) when she was not. Therefore he is in mercy. Afterwards John le Waleys came and made fine for ½ mark by pledge of John Cote of Streteholte.

1112. Nicholas le Tresor was outlawed for the burning of the house of Roger Baril, upon the suit of Philip Baril. He was in the mainpast of Roger himself. Therefore he [Roger] is in mercy. He [Nicholas] had no chattels.

1113. Walter de Estover fled after harbouring thieves, one of whom was hanged at Briges.[1] He is suspected. Therefore let him be exacted and outlawed. He was in the tithing of Walter le Bloy of Hamme. Therefore it is in mercy. His chattels, 29*s*., for which the sheriff must answer.

1114. Walter de Huntewurth' found an unknown man dead between Strete and Briges. No one is suspected. No Englishry; therefore murder.

1115. Matilda wife of William de Chedeseye appealed Simon de Bagetripe of breach of the peace of our lord the King, and she does not come. She had no pledge except [her] faith. Simon comes, and the jury testify that they [the parties] are agreed, and that Simon is guilty. Therefore he is in mercy. Let them lie in custody, and let Matilda be taken. The jurors present upon their roll that one Mabel appealed him. Therefore all [the jurors] are in mercy.[2] Afterwards Simon came and made fine for 20*s*. by pledge of Robert de Bagetrippe.

1116. Adam de la Purye of Milecumbe found Roger de Milecumbe drowned in the water of Thon. Adam, the first finder, does not come. Therefore he and his pledges are in mercy, to wit, Walter Gefray of Huntewurth and Walter the hayward of Hamme.

1117. John Midelsowy was drowned in the water of Peret,[3] and Iseult his wife, William the cobbler, Reginald de Sowy, and Peter son of Nicholas were then with him in the boat. All come except Peter. Therefore he and his pledges are in mercy, to wit, Reginald de Schapewyk and John the carpenter of Yvelcestr'. Judgment, misadventure. Price of the boat 3*s*., for which the sheriff must answer.

[1] Bridgwater.
[2] That is, for the mistake in the name.
[3] The river Parret.

1118. Matilda daughter of Jocelin appealed Adam Cule of rape, and both come. The jurors testify that they [the parties] are agreed. Therefore they are in mercy. They made fine for ½ mark by pledge of John son of Sussanus de Chedelesy and John son of Walter of the same.

1119. Adam Baret of Cusington' was seen in the garden of Robert de Bagetrippe. On account of this he fled to the church of Baggetripe, and afterwards escaped. He found pledges that he would stand to right, to wit, Nicholas son of Aunger de Baggetrippe and Alan de Baggetrippe. Now he does not come; therefore he and his pledges are in mercy.

1120. Liota daughter of John de Pegenes appealed John de Cheselode that, by night on Friday next after the feast of St. Nicholas, in the 24th year, he broke into the house of her father and by force had connexion with her, but she was not a virgin. John came and defended everything, etc., and put himself upon the country. The jurors testify that before that time he had a boy by her, and that often, after and before, he had connexion with her, and not by force. Therefore she is in mercy for her false appeal, but she is pardoned because she is a pauper.

1121. Mabel Spark of Dunewer appealed John son of Geoffry of Pensowy of rape, and she does not come. Therefore she and her pledges to prosecute are in mercy, namely, Robert Spark and Nicholas Spark. John comes, and they are agreed. Therefore he is in mercy; let him be in custody. Afterwards John came and made fine for 20*s.* by pledge of Robert Spark and Geoffry Edriche.

1122. William son of Roger de Chedeseye was drowned from a certain boat in the water at La Pulle. The first finder, to wit, Roger his father, comes, and is not suspected. Judgment, misadventure. Price of the boat 12*d.*, for which the sheriff must answer.

1123. Roger de Porres fell dead in the road of Wemedon. Aubrey (*Albreda*) his daughter, the first finder, comes, and is not suspected. No Englishry; therefore murder.

1124. William Fareman killed Thomas son of Goldive, and fled. Therefore let him be exacted and outlawed. He was in the tithing of Bure. Therefore it is in mercy. His chattels, 4*s.*, for which the sheriff must answer. The land of the Hospital in Brige did not make pursuit; therefore it is in mercy.

1125. Roger son of Hugh, accused of larceny, comes and

defends everything, and puts himself upon the country for good and ill. The jurors and the four nearest townships testify that he is not guilty. Therefore he is quit.

1126. Godfrey de Mora and Henry de Fernagu, accused of larceny, fled, and are suspected. Therefore let them be exacted and outlawed. Godfrey was in the tithing of Walter the tithingman of Nortperton. Therefore it is in mercy. Henry de Fernagu was in the tithing of Adam the tithingman of Baggetrippe. Therefore it is in mercy. Godfrey's chattels, 71*s.* 7*d.*, for which the sheriff must answer. Henry Fernagu's chattels, 15*s.* 2*d.*, for which the sheriff must answer.

1127. Eustace de Duueliz holds 40*s.* of land in Pegenesse[1] by serjeanty, that he should be usher (*ut sit hostiarius*) in the hall of our lord the King, and [also] a rent of ½ mark in Crandon[2] which is an escheat to our lord the King of the lands of the Normans. Ralph Huse holds that [land].

1128. Touching defaults, they say that Geoffry de Wlmerston', Reginald Elmark, Nicholas Anger, Roger Maunsel, Robert de Pilloc, and Richard de Wrotham were not [here] on the first day. Therefore they are in mercy.

Memb. 23.

THE MANOR OF LENGE COMES BY SIX,

1129. And they say nothing but what should be said before.

THE HUNDRED OF KAREMTUN'[3] COMES BY TWELVE.

1130. Philip le Hore was done to death (*obrutus fuit ad mortem*) by a certain branch. No one is suspected. Judgment, misadventure. Price of the branch 1*d.*, for which the sheriff must answer.

1131. Robert de Harewudd' appealed Geoffry de Harewudd' of the peace of our lord the King, and of wounds. Now he [Robert] comes and will not sue against him. Therefore he and his pledge are in mercy, to wit, William le Tort. He made fine for himself, and not for his pledge, for ½ mark by pledge of Richard de Cludesham and Ivo de Lokebergh. Geoffry comes,

[1] Horsey Pignes in Bridgewater. The tenant at the time of the Domesday Survey was John the usher (*Hostiarius*). See also No. 1228.

[2] Crandon in Bawdrip.

[3] Carhampton.

and the jurors testify that they [the parties] are agreed, and that he is guilty. Therefore he is in mercy. Let him be in custody. Afterwards Geoffry came and made fine for 20*s.* by pledge of Thomas de Legh and Walter de Crawedon'.

1132. Robert Cory was found dead in the tithing of Wythecumbe. No one is suspected. No Englishry ; therefore murder.

1133. Ralph de Riscumbe was suspected of harbouring thieves, and fled. Therefore let him be exacted and outlawed. He was in the tithing of Almundeswurth'.[1] Therefore it is in mercy. His chattels, 8*s.*, for which the sheriff must answer. Robert Cray, William Joclenne, and Henry the Irishman (*le Ireys*), who were harboured by Ralph, are suspected of larceny. Therefore let them be exacted and outlawed. Henry was in the tithing of Exeford of the monks of Nethe ; therefore it is in mercy. Robert and William were in the tithing of Almundeswurth ; therefore it is in mercy. Their chattels were elsewhere before the justices.

1134. The jurors present that Richard de Wrotham takes the herbage of their common of pasture ; and because that plea concerns the justice of the forest, the jurors are in mercy for their foolish presentment (*stulta presentacione*).

1135. Adam de la Thurne, arrested on suspicion of larceny, comes and defends everything, and puts himself upon the country for good and ill. The jurors and the four neighbouring townships testify that he is not guilty. Therefore he is quit.

1136. Sybil de Rammescumbe appealed Benedict de Werwell for that he had connexion with her by force. He was outlawed upon the suit of Sybil. The same appealed Richard Cadyho of inciting. Richard came and defended everything, and put himself upon the country. The jurors testify that he is not guilty ; therefore he is quit. Let Sybil be committed to gaol for her false appeal. Benedict, who was outlawed, was of the mainpast of Roges son of Simon ; therefore he is in mercy. [Benedict] had no chattels. Afterwards Sybil came and made fine for ½ mark by pledge of Ralph Stridebolt of Saunford'.

1137. Touching defaults, they say that Reginald de Moun, Philip Basset, William Caperun, Simon de Stanham, Ralph le Tort, Hugh Peverel, Geoffry the Small (*Parvus*), Walter Dare, and Richard Everard did not come on the first day. Therefore they are in mercy.

[1] Almsworthy, in Exford.

1138. One William Heme escaped from the custody of Ralph Egolf' and William le Fulur. Ralph Egolf' was of the vill of Almundeswurth', and William was of Wynmersham.[1] Those two townships have made their peace with the sheriff for the evasion, and the sheriff must answer for 100*s.* which he took for that.

1139. William Young (*le Jeuen*) of Ramescumbe is in mercy for his transgression. Afterwards William came and made fine for 20*s.* by pledge of Robert Monelithe of Wthton and Robert de Aqua of the same.

1140. William de Exeford', accused of having found treasure, does not come. He was attached by Walter Upehille of Almundeswurth and Gervase le Hert of the same. Therefore they are in mercy. The jurors concealed that matter. Therefore they are in mercy.

1141. Henry de Cerne, arrested for the death of Alexander de Luveny, came and defended everything, and put himself upon the country for good and ill. The jurors testify that he is not guilty. Therefore he is quit.

THE BURGH OF DUNESTORE COMES BY TWELVE.

1142. Richard le Rus was done to death (*obrutus fuit ad mortem*) in the castle of Dunstore. No Englishry; therefore murder. The jurors falsely presented the finder. Therefore they are in mercy.[2]

THE MANOR OF BRIGEFORD COMES BY SIX.

1143. Ralph Welifed of Baunton, Richard Yalperug', and William Wake killed Hugh de la Crofter of Brigeford, and fled, and were outlawed upon the suit of Richard and James, brothers of Hugh. They dwelt at Baunton in the county of Devon. Therefore it [the township] is in mercy. It is not known [what] chattels [they had].

THE HUNDRED OF WYLETON'[3] COMES BY TWELVE.

1144. Robert Lilie and Walter Guket killed Walter Seleiner. Robert fled to the church of St. Decuman[4] and abjured the

[1] Wilmersham, near Porlock.

[2] This was no doubt regarded as a case of accidental death, but, quite exceptionally, the record is silent as to the cause.

[3] Williton.

[4] near Watchet.

realm. Walter Guket fled. Therefore let him be exacted and outlawed. Robert dwelt at Karampton'. Therefore [the township] is in mercy. Walter Guket was received at Taunton'. Therefore [that township] is in mercy. The jurors did not present any attachment. Therefore they are in mercy. And because the township of St. Decuman did not make pursuit it is in mercy. Likewise the four neighbouring townships, to wit, Wechet, Wyleton, Kantokeheved the little, and Clive,[1] are in mercy because they did not make pursuit. Afterwards it is testified that Robert Lilie did not abjure the realm in the presence of the coroners. Therefore now let him be exacted and outlawed.

1145. Elena, who was the wife of William de Smalecumbe, appealed John le Waleys, Walter le Scer, and many others, of the death of William her husband. The jurors testify that Walter Scer killed him. Therefore let him be exacted and outlawed. He was of the mainpast of the Prior of Stokecurcy. Therefore he [the Prior] is in mercy. It is not known [what] chattels [Walter had]. And because Walter Scer killed William in the presence of William la Warre of Stokes, William the reeve of Munketon', Richard the smith of Stokes, Robert le Tinker of Stokes, John la Bule of the same, Baldwin de Munketon', Ralph Gorge, and William Knaploc, and they did not take him, all are in mercy. They all made fine for 100*s.* by pledge of Ralph son of Bernard, Walter Russel, Thomas Trevet, and William Fichet. Let Elena be committed to gaol.[2] Afterwards Elena came and made fine for 1 mark by pledge of William de Sancto Stephano.

1146. Robert le Gras of Parleston' was found dead in the field at Alfaxton'. It is not known who killed him. No Englishry ; therefore murder.

1147. Luke de Foxford appealed Thomas Avenaunt of the peace of our lord the King and robbery. He [also] appealed Robert Avalon, Robert de Gardino, and Jordan le Karver as accessories, and he appealed Robert de Wygorn' of consenting. All [the appellees] come, and the jurors testify that they are not agreed, nor are they guilty. Therefore they are quit. Luke

[1] Watchet, Williton, Quantokshead, and Cleeve. It seems exceptional to amerce the neighbouring townships as well as that immediately in default. The crown takes no less than eight amercements out of this case, besides the chattels of the outlaws.

[2] For the failure of her appeal in respect of others than Walter.

does not come. Therefore he and his pledges to prosecute are in mercy, to wit, Nicholas le Fulur of Foxford and Richard the Cook (*cocus*) of the same.

1148. Alice Velata of Skilegate[1] was killed by the clapper of a certain bell (*per baterellum cujusdam campane*). Because the township of Skilegate did not present that matter to the county [court], nor had the clapper before the justices, it is in mercy.

1149. Concerning defaults, they say that Philip de Cantu Lupo, Richard de Wayvill', Reginald de Albemare, W . . . de Ludeton, Reginald de Moyun, Philip de Columbariis, Robert de Camera, Richard de Cusoyw . . , and William Maubaunc did not come on the first day. Therefore they are in mercy.[2]

Memb. 23d.

THE BURGH OF WECHET[3] COMES BY TWELVE.

1150. Aubrey (*Albreda*) de Wechet appealed William Cute Robert Russepin, John la Wayte, William the baker, and Andrew of the churchyard (*de cimiterio*) of the peace of our lord the King and of robbery. Aubrey does not come, because she is dead. None of the appealed comes. William Cute was attached by John the Palmer of Karampton and Ralph Uppehull' of the same. Robert Russepin' was attached by William Gersum[4] and William Woding[4] of Dunestore. John was attached by William Fisel and Roger Wyschard' of Dunestore. William the baker[5] was attached by Herbert the merchant (*mercatorem*) of Dunestore, and Edmund[4] of the same. Andrew was attached by William le Waleys of Dunestore and Adam de Cruce of the same. Therefore all are in mercy.

THE MANOR OF CLIVE[6] COMES BY SIX.

1151. Hugh le Simple appealed Adam de Wecheford,[7] David the cornishman, Adam le Hert, Richard his brother, Robert,

[1] Skilgate.

[2] At the foot of this membrane is "*usque huc*" (see note to No. 738), and at the top of the next "*hic incipiendo*" in the same hand.

[3] Watchet.

[4] These persons are said to be dead. "*Ob*" is written over the names.

[5] The word "*nich*" (nihil) is written over this name.

[6] Cleeve. [7] Washford.

Wyppe, Hugh Long (*longum*), Ralph le Velegh', William the weaver (*Tixtorem*), Stiholfus the weaver (*le Teler*), Ralph the baker (*pistorem*), Hugh the miller of Clive, Nicholas the hayward, William the servant of the cellarer (*servientem cellerarii*) of Clive, Hugh the serjeant (*le seriaunt*), Roger Cule, Ralph the clerk, Geoffry the messer (*le messer*[1]) of Legh, Hugh the esquire (*armigerum*), Ralph fitz Urse, Elias le Careter, Thomas Flyghe, Walter the Franklin, Roger of the fulling mill, and Hugh of the mill of Rode, of the peace of our lord the King and of robbery. The same Hugh appealed Simon the Abbot of Clive, Humphrey prior of the same, and Robert de Lidbar . . , cellarer of the same, of inciting. All the appealed [come] except Richard le Hert, Hugh Long, Hugh the serjeant, Hugh the esquire, Ralph fitz Urse, Helias the carter (*carectarium*), Roger of the fulling mill (*de molendino fulerario*), and Hugh the miller of la Rode. Richard le Hert was attached by Gilbert de la Ford and Henry de la Ford. Hugh Long was attached by Ralph le Port and Adam de la Hele. Hugh the serjeant was attached by Gilbert Talebot and Richard de la Torne, and Hugh the esquire ——[2] Afterwards the Abbot came and made fine for himself and all his above written for 100*s.* by pledge of John de Reyny and Ralph fitz Urse.

1152. Harewuda, the prioress of Cuwyke, does not come. Therefore she is in mercy.[3] And because she withdrew suit from the manor [court] of Clive, it is said that the Abbot may distrain them[4] to do suit if he wishes.

1153. William Jurday fled to the church of Clive, confessed himself a thief, and abjured the realm. The jurors concealed that matter; therefore all are in mercy. William was received at Crandon'. Therefore [the township] is in mercy because it had him not to right. He had no chattels.

The Manor of Wyleton' comes by six.

1154. Sabina daughter of William Nortman found Elena daughter of Roger the smith drowned in the water at Duniford'.

[1] See Ducange, Gloss., *sub. tit.* "*messarius*," and note to No. 771.
[2] There is an omission here.
[3] The note "miã" in the margin is struck out.
[4] That is, the persons liable to do suit at the manor court.

The township of Duniford' did not present that matter to the county [court]. Therefore it is in mercy.

THE MANOR OF NETTELCUMBE COMES BY SIX.

1155. Roger Dean, of Dunestore, fell from a horse, so that he died. The jurors falsely presented the finder. Therefore they are in mercy. Price of the horse ½ mark, for which the same sheriff must answer.[1]

THE BURGH OF STAWAYE[2] COMES BY TWELVE.

1156. The jurors are in mercy because they have not presented anything on the articles [of the eyre] and [because] Philip de Columbariis, who is their lord, did not come on the first day, and this they concealed.

THE MANOR OF CRAWECUMBE[3] COMES BY SIX.

1157. Hugh de Hethfeud found Henry Pirinam drowned in the water of Troubrig'. The first finder comes and is not suspected. No Englishry; therefore murder.

1158. John Hipekoc fled to the church of Crawecumbe, confessed larceny, and abjured the realm. The jurors concealed that matter. Therefore they are in mercy. His chattels were appraised before Robert de Lexington.

1159. Hugh Beghe of Crawecumbe was suspected of larceny, and fled. Therefore let him be exacted and outlawed. He was received at Crawecumbe. Therefore [the township] is in mercy because it had him not to right.

1160. Wyburga de Crawcumbe, accused of harbouring thieves, came and defended everything, and put herself upon the country for good and ill. The jurors testify that she is not guilty. Therefore she is quit.

1161. Adam Brekeleg was suspected of larceny, and fled. Therefore let him be exacted and outlawed. He was of the mainpast of Alexander the chaplain of Stanlegh'. Therefore he [Alexander] is in mercy. He [Adam] had no chattels.

[1] See No. 1167, *infra*. [2] Stowey. [3] Crowcombe.

THE MANOR OF HYWYSE[1] COMES BY SIX.

1162. The jurors are in mercy for false presentment, because they presented that Nicholas la Ware and others were imprisoned at Yvelecestr', and they were not.

THE MANOR OF CLOTEWURTHY[2] COMES BY SIX.

1163. Geoffry son of Andrew killed Henry de Holeweye, and that matter was concluded in the hundred of Welington.[3] Therefore, nothing. The township of Clatwurthy did not make pursuit; therefore it is in mercy.

THE MANOR OF BRUNETON' COMES BY SIX.

1164. The jurors say nothing that should not be said before, except that William de B'nedon' did not come on the first day He is therefore in mercy.

THE MANOR OF BRUNELOND COMES BY SIX.

1165. Concerning defaults, they say that Robert de Camera and Richard de Radington did not come on the first day. Therefore they are in mercy.

THE MANOR OF SELVER[4] COMES BY SIX.

1166. Concerning defaults, they say that the Prior of Goldclive did not come on the first day. Therefore he is in mercy.

1167. Roger Dean[5] of Selver, who fell from his horse so that he died as is above stated, left the manor of Selver safely. The jurors concealed that matter. Therefore it is in mercy.

1168. The men of the Prior of the Hospital of la Hanse do not answer before the justices either by themselves or by the hundred. Therefore this must be discussed.

[1] Huish.
[2] Clotworthy.
[3] See No. 1100, *supra*.
[4] Monksilver.
[5] See No. 1155.

Memb. 24.

THE HUNDRED OF KINGESBIR'[1] COMES BY TWELVE.

1169. Agnes daughter of Roger Mardey was scalded to death by hot water which was in a certain earthen pot (*olla de terra*) so that she died. No one is suspected. Judgment, misadventure. And because the jurors falsely presented the finder, they are in mercy.

1170. A certain unknown boy[2] was found drowned in the water of Gavelbrig'. No one is suspected. No Englishry; therefore murder. He was buried without view of the coroners. Therefore the township of Kingesbir' is in mercy.

1171. William son of Walter de Lambrok' struck William son of Eva on the head with a certain stick so that he died. William son of Walter fled. Therefore let him be exacted and outlawed. The township of Lambrok'[3] did not make pursuit. Therefore it is in mercy.

1172. Touching the sale of wines, they say that Robert Spowe and John de Okeston' have sold wine contrary to the assize. Therefore they are in mercy.

1173. Concerning defaults, they say that Henry de Roy[4] did not come on the first day. Therefore he is in mercy.

1174. Hugh son of William Dune,[5] arrested for larceny, came and defended everything, and put himself upon the country. The jurors and the four neighbouring townships testify that he is guilty. Therefore, etc. His chattels, 34*s.* 8*d.*, for which the sheriff must answer.

THE MANOR OF CUMBE COMES BY SIX.

1175. Adam Bali of Exeter appealed Reginald the hayward of Cumbe, William le Komber of the same, William son of the chaplain of the same, John Morice and Richard Seytouns of the same, of the peace of our lord the King, of wounds and of robbery. All the appealed come [except William son of the chaplain],[6] and defend everything, etc. William son of the

[1] Kingsbury.

[2] The word used is "*garcio.*" I incline to think boy is meant rather than groom, in this connexion.

[3] Lambrook.

[4] Before "*Le Roy*" is written "*Le Fr'*," which I think is intended to be struck out.

[5] Presumably he was hanged, but the record has no marginal note to this effect.

[6] This part in brackets is interlined.

chaplain comes and is a clerk. He is delivered to the official of the Bishop that he may do to him in court christian what right may dictate. The jurors testify that none of those who are appealed is guilty. Therefore all are quit. Adam is in mercy for his false appeal. Let him be committed to gaol. He is a pauper. Therefore let him be pardoned.

1176. [1]Richard the carter and William Stuure, arrested (*arestati*) by the twelve jurors of Abbediche for robbery from the aforesaid Adam Bali of his fish and for wounds done to him, came and defended everything, and put themselves upon the country. The jurors testify that Richard is not guilty. Therefore he is quit. They testify that William is guilty. Therefore, etc. He had no chattels.

1177. John le Webbe, arrested (*arestatus*) for the same deed, came and defended everything, and put himself upon the country. The jurors say that the thing stolen was taken to the inn (*hospicium*) of Roger, and he knew who brought it and was a consenting party. Therefore, etc.[2] His chattels, 7*s.*, for which the same sheriff must answer.

The Hundred of Abbedik'[3] comes by twelve.

1178. Walter Clome was found killed in the forest of Netherham, and John and Roger sons of Fromund de Duneyet and William Salter of Assul were suspected of that death, and fled. Therefore let them be exacted and outlawed. John, Roger and William were in the tithing of Dunyete. Therefore it is in mercy. John and Roger had no chattels. William's chattels, 4*s.* 5*d.*, for which the sheriff must answer. Walter was buried without view of the coroners. Therefore the township of Dunyete is in mercy. William le Salter was received in the vill of Asshul after the deed. Therefore it is in mercy.

1179. An unknown person was found drowned in the water

[1] This entry is preceded by one which is incomplete, is erased and stated to be "*error*," relating to the same case. It says that the defendants are "accused," not "arrested by the jurors," and they put themselves upon the country and the four townships. I have seen no other case in which twelve jurors made an arrest. There seems to be little doubt that the men were arrested in consequence of the direction given to the jurors by the justices after delivery to the former of the articles of the eyre: "*quod si sit aliquis in hundredo vel wapentakio suo, qui male creditus sit de maleficio aliquo, illum statim capiant si possint*": Bract., fo. 116. William was adjudged to be hanged, as appears by the marginal note.

[2] He, too, was hanged.

of Doueliz. No Englishry; therefore murder. The jurors did not present the finder. Therefore they are in mercy.

1180. Christina daughter of Gervase appealed Henry de Appse that he by force deflowered her. Henry came and defended everything, and put himself upon the country. The jurors testify that he is not guilty. Therefore he is quit, and Christina is in mercy for her false appeal. Let her be committed to gaol.

1181. Alice, formerly the wife of Thomas Gule, appealed Ralph le Waleys of the peace of our lord the King, of robbery, and of beating. Ralph came and defended everything. And because the appeal is null, let inquest be made of the country. The jurors testify that he is not guilty. Therefore he is quit, and Alice is in mercy.

1182. Alexander de Asshull'[1] appealed Ralph Cone and Robert the shepherd (*le Berker*) of the death of Richard his son. They were outlawed for that death upon the suit of Alexander his [Richard's] father. Ralph Cone was in the tithing of Capilond[2]; therefore it is in mercy. His chattels, 4*s*., for which the sheriff must answer. Robert was in the tithing of Bere. Therefore it is in mercy. He had no chattels. Richard Stanbard of Capilande and Geoffry de Ponte of the same are suspected of the same death. Therefore let them be exacted and outlawed.[3] Richard and Geoffry were in the tithing of Capilond'. Therefore it is in mercy. Richard's chattels, 8*s*., for which the sheriff must answer. Geoffry had no chattels. Afterwards Ralph de Montesorell' came and made fine for Richard that he might be under pledges if anyone should wish to sue him, and he offered our lord the King 100*s*., and it is received, by pledge of Robert de la Val, Roger de Mere, Robert de Dilinton, and Robert de Mere.

1183. Roger de Stoke was crushed to death by an oak which fell upon him. The first finder comes and is not suspected. Judgment, misadventure. Price of the oak 6*d*., for which the sheriff must answer.

1184. Agatha, formerly the wife of Robert de Mortuo Mari, appealed Walter Spiring and William Golde of the death of her husband, and they were outlawed for that death. John Chyu and Jordan son of Folic' are likewise suspected of that death. Therefore let them be exacted and outlawed. Walter was

[1] Ashill. [2] Capland, a tithing of Broadway. [3] They had fled.

in the tithing of Capilond; therefore it is in mercy. William was harboured upon the land of the Hospitallers of Apse. Therefore it is in mercy. John was in the tithing of Westhache; therefore it is in mercy. Jordan was in the tithing of Hache Beauchampe. Walter, William and Jordan had no chattels. John Chiu's chattels, 4*s.*, for which the same sheriff must answer.

1185. Elias Munjoye de la Se, arrested for larceny, came and defended everything, and put himself upon the country. The jurors testify that he is not guilty. Therefore he is quit.

1186. Walter son of Walter de la Breche, John his son, Walter le Soper, and Ranulf Chiu, arrested on the appeal of Robert Binde Devel came, and the jurors say that they beat him and threw him off his lord's horse. Therefore all are in mercy.

1187. William de Barri appealed Walter de la Breche and the beforenamed Walter le Soper and Ranulf Chiu that they beat and badly treated him. All came, except Walter le Soper who was not attached, and defended everything. The jurors testify that they beat him as he appealed them. Therefore all are in mercy. The jurors say that they did not rob him, and he appealed them of robbery. Thereupon he is in mercy for his false appeal. Afterwards William de Barri came and made fine for his amercement for ½ mark by pledge of Ralph de Munsorel. Afterwards Walter son of Walter, John his son, Walter Soper, and Ranulf Chiu came and made fine for 4 marks by pledge of Henry le Hundredesman, Gervase de Hache, Adam de Miridon', and William de Mercez.

1188. Concerning ladies, they say that Sabina, formerly the wife of Henry de Ortiaco, has the hundred of Abbedik, and holds in chief of our lord the King. She is a widow and in the gift of our lord the King. The jurors present that Joan, who was the daughter of William de Estre, was in the gift of our lord the King, and Robert de Pavelly has married her, and holds Bikehull,[1] which is worth 100*s.*

1189. Concerning defaults, they say that William de Monte Acuto, Robert de Mucegros, Walter Bussel, Hugh Bochard, Geoffry Black (*Niger*) of Kori Malet, Richard de Blaminst', Jordan de Blaterne of la Pile, Christiana, formerly the wife of

[1] Bicknell.

Richard de Stokes, and Richard de Munt Sorel did not come on the first day. Therefore they are in mercy.

1190. Ralph Morel, arrested for larceny, came and defended everything, and put himself upon the country. The jurors testify that he is guilty. Therefore, etc.[1] His chattels, 8*s*., for which the sheriff must answer. The year [and a day] of our lord the King, and waste, to wit, of one ferling of land worth 8*s*., for which the same sheriff must answer. Afterwards John de Neyrford', servant of Robert de Pavely, came and took the year and waste to the use of his lord for 10*s*. by pledge of Robert de Seyn Clere.[2]

Memb. 24*d*.

THE HUNDRED OF NORTKURI[3] COMES BY TWELVE.

1191. Simon Rugge killed Ranulf Parel, and fled. Therefore let him be exacted and outlawed. He was in the tithing of Ralph Pelitun in Nortkuri. Therefore it is in mercy. His chattels, 5*s*., for which the sheriff must answer. The jurors did not present the finder. Therefore it is in mercy.

1192. Ralph de la Hurne and Robert Aylmer were suspected of larceny, and fled. Therefore let them be exacted and outlawed. Ralph was in the tithing of Torne.[4] Therefore it is in mercy. Robert was in the same tithing. Therefore it is in mercy. Their chattels, ½ mark, for which the same sheriff must answer.

1193. Concerning defaults, they say that James son of Robert did not come on the first day. Therefore he is in mercy.

THE HUNDRED OF ANDREDESFELD'[5] COMES BY TWELVE.

1194. Geoffry le Roke appealed Ralph de la Rode that he beat and mayhemed him and he used no words upon which there could be battle between them.[6] Ralph came and put himself upon the country. The jurors testify that he beat Geoffry and disgrace-

[1] The marginal note tells us that he was hanged.
[2] See note to No. 981. Robert de Pavely bought out the King for 10*s*.
[3] North Curry.
[4] Thorne Falcon.
[5] Andersfield.
[6] A man who was mayhemed was not bound to deraign by his body. His injury would make the duel unfair.

fully used him. Therefore he is in mercy. Let him be in custody. Afterwards Ralph came and made fine for 1 mark by pledge of Thomas de Reyny and William de Poketeston.

1195. [The house of] Laurence de Millecumbe was burned, and Wymarka his daughter was burned in it. The jurors did not present the finder. Therefore it is in mercy. Wymarca was buried without view of the coroners. Therefore the township of Mellecumbe is in mercy.

THE MANOR OF MUNKETON' COMES BY SIX.

1196. Robert Pere and Walter Cole wounded John Albre so that he died. Therefore let them be exacted and outlawed. Robert and Walter were in the tithing of Muneketon. Therefore it is in mercy. Robert Pere's chattels, 7*s.*, for which the same sheriff must answer. Walter had no chattels. The jurors present that this [deed] was done by night, and the coroners say that it happened by day. Therefore [the jurors] are in mercy for false presentment.[1] And because the township of Muneketon did not make pursuit, it is in mercy.

THE MANOR OF BROMFELD COMES BY SIX

1197. And says nothing.

THE HUNDRED OF BULESTAN' COMES BY TWELVE.

1198. Stephen the carpenter killed Nicholas son of Luke in the fields of Drayton, and fled. Therefore let him be exacted and outlawed. Stephen was in the tithing of Drayton'. Therefore it is in mercy. Likewise because [Nicholas] was buried without view of the coroners, the township of Drayton is in mercy. Likewise because it made no pursuit, the same township is in mercy. Stephen's chattels, 5*s.*, for which the same sheriff must answer.

1199. William de Lungespey was drowned from a certain boat. No one is suspected. Judgment, misadventure. Price of the boat, 8*d.*, for which the same sheriff must answer.

1200. Margery wife of William de Westowe appealed John Lungespey of the death of Gilbert her son. John was outlawed upon the suit of Margery. He was in the tithing of Swell. Therefore it is in mercy. He had no chattels.

[1] The coroners' rolls almost always prevailed where statements differed.

1201. An unknown man found dead between Duueliz and Whytelegh. The first finder comes and is not suspected. No Englishry; therefore murder. And the township ——[1]

1202. Joan daughter of Robert de la Stane fell dead by her father's side (*juxta patrem suum*), and the township of Curirevell buried her without view of the coroners. Therefore it is in mercy.

1203. Roger le Newman was suspected of larceny, and fled. Therefore let him be exacted and outlawed. He was of the mainpast of Eustace de Duueliz. Therefore [Eustace] is in mercy. [Roger's] chattels, 27*s.* 8*d.*, for which the same sheriff must answer.

1204. Concerning defaults, they say that Thomas de Perham and William de Stanton did not come on the first day. Therefore they are in mercy.

THE HUNDRED OF MILVERTON COMES BY TWELVE.

1205. A certain unknown man was found killed in the common street (*comuni stratu*) near Maydenwell'. No Englishry; therefore murder.

1206. Walter Terry and Thomas de Thorne, arrested for the death of a certain man killed at Torne,[2] came and defended everything, and put themselves upon the country. The jurors and the four neighbouring townships testify that Thomas de Thorne is not guilty. Therefore he is quit. They say that Walter is guilty. Therefore, etc.[3] Walter de la Berghe and Sewell (*Sewalus*) son of Gilbert were attached for that death. They do not come. Therefore they and their pledges are in mercy. Walter was attached by William de Bruges[4] and Hamon de Perton. Sewell was attached by Roger de Blakeford' and Robert Martin. The jurors testify that the aforesaid Walter de la Berghe and Sewell are not guilty. Therefore they are quit. Walter Terri's chattels, 2*s.*, for which the same sheriff must answer.

1207. Henry de Reyny appealed William de Theynebir' and Geoffry le Muner of Badialton for that they beat and badly used him. Henry does not come; therefore he and his pledges to prosecute are in mercy, to wit, Hervi de Stanlegh' and William Bulfinche. Let him [Henry] be taken. Geoffry

[1] The entry stops here.
[2] Thorne St. Margaret.
[3] "*Sus.*'" in the margin.
[4] "*ob*" written over this name.

the Miller (*Molendinus*) does not come. He was attached by Robert le Kinge of Ba[d]ialton[1] and Robert the baker (*le Pestur*) of the same. Therefore all are in mercy. William comes, and the jurors testify that he beat him [Henry]. Therefore he is in mercy. Let him be in custody. Afterwards William came and made fine for 1 mark by pledge of William de Orewey and Reginald the Young (*le Jouen*).

1208. Thomas Cok' was suspected of larceny, and fled. Therefore let him be exacted and outlawed. He dwelt at Smithehey. Therefore [the township] is in mercy. His chattels, 3*s*., for which the sheriff must answer. The jurors are in mercy for their transgression.[2]

1209. Osbert de Smithenhey killed Walter de la Rugge, and fled. Therefore let him be exacted and outlawed. He was in the tithing of Smithenhay. Therefore it is in mercy. His chattels, 2*s*., for which the same sheriff must answer.

1210. Concerning defaults, they say that John Arundel, Simon de Luccombe, Baldwin de Thorne, John de Legh', Jordan de Erpeford, Thomas de Thorn, Hugh of the mill of Thorn', and Simon de Lucumbe did not come on the first day. Therefore they are in mercy.

The Manor of Langeford' comes by six.

1211. A certain poor woman who had the falling sickness (*morbus caducus*[3]) fell dead at Sushaldewell. The first finder comes and is not suspected. Judgment, misadventure.

1212. Nicholas the chaplain of Langeford'[4] was found dead at Burdon', and the jurors concealed the matter. Therefore they are in mercy.

The Manor of Milverton' comes by twelve.

1213. Nicholas the chaplain fell dead from his horse. No one is suspected. Judgment, misadventure. Price of the horse, 2*s*., for which the same sheriff must answer. The township of Milverton buried him without view of the coroners. Therefore it is in mercy.

1214. Hugh Leude was pressed to death in a certain marlpit. No one is suspected. Judgment, misadventure. Because the

[1] Bathealton.
[2] What their fault was does not appear.
[3] Epilepsy.
[4] Langford Budville.

township of Milverton buried him without view of the coroners, it is in mercy.

1215. Walter Colkin was drowned in the pond of William Smalbrok. No Englishry; therefore murder. The jurors falsely presented Englishry; therefore they are in mercy. Robert le Soper falsely presented himself as kinsman. Therefore he is in mercy. Afterwards Robert le Soper came and made fine for ½ mark by pledge of Herman de Milverton', Jordan de la Putte, and John de Bosco.

Memb. 25.

THE MANOR OF MILVERTON—CONTINUED.

1216. Benedict de Monte appealed Richard de Glouc' of Haggele of the death of William Hersona his brother, and Benedict comes and sues against him. Richard does not come, and the jurors say that he is guilty. Therefore let him be exacted and outlawed. He was received at Haggelegh' in the county of Somerset and at Dunigston' in the county of Devon. Therefore [those townships[1]] are in mercy. Likewise [the township of] Haggelegh is in mercy because it did not come before the justices. He had no chattels.

THE HUNDRED OF SUPERTON'[2] COMES BY TWELVE.

1217. Godfrey Pek killed Nicholas de le Pen, and fled. Humphrey and Hugh brothers of the said Nicholas appealed Godfrey and William Cal of the death, and both were outlawed upon the suit of Humphrey and Hugh. Godfrey was in the tithing of Ilton'; therefore it is in mercy. William was in the tithing of Cerde Episcopi; therefore it is in mercy. The jurors did not present the outlawry; therefore they are in mercy.

1218. Joan de Cudewurth' appealed William son of William and Richard his brother, Benedict Morin, and Oliver de Watelegh' of the peace of our lord the King, and robbery. The same Joan appealed Alan de Furneaus of inciting. Joan did not come, nor had she any pledge except [her] faith. None of the appealed, except Benedict Morin and Alan de Furneaus, came. The jurors testify that they are not guilty, but they say that

[1] It is clear that both townships are amerced, from the marginal note.
[2] South Pethereton.

they are agreed. Therefore they are in mercy. Let them be in custody. William son of William did not come. He was attached by Luke de Doueliz and Roger le Tannur of la Wurth. Therefore they are in mercy. Richard his brother was attached by Roger de la Wurth and William de Cudewurth'. Oliver was attached by Roger de Wattelegh and Nicholas de Wattelegh. Therefore all are in mercy.

1219. Adam de Legh' and Agnes his wife appealed Peter de Legh and Philip his brother of the peace of our lord the King and of wounds. Adam and Agnes do not come. Therefore they and their pledges to prosecute are in mercy, to wit, Henry de Hakewell and Henry de Lancecumbe. Peter and Philip come, and the jury testify that they are not agreed, but they say that Peter beat Agnes and wounded her in the head with a certain club; therefore he is in mercy. Let him be in custody. They say that Philip is not guilty; therefore he is quit. Adam and Agnes are in mercy for their false appeal. Let them be taken. Afterwards Peter came and made fine for 20*s.* by pledge of Robert de la Linde and Henry de Lancekumbe.

1220. Kipping de Burehenton' was drowned beneath the wheel of a certain mill. No one is suspected. Judgment, misadventure. Price of the wheel 2*s.*, for which the same sheriff must answer.

1221. Walter de la Wyk' killed Wyot de Cumpton', and fled to the church of Septon', confessed the deed, and abjured the realm. He was in the tithing of Schepton'.[1] Therefore it is in mercy. His chattels, 8*s.*, for which the same sheriff must answer. The township of Schepton' made no pursuit. Therefore it is in mercy. The jurors present that this deed was done by night, and the coroners say that it was by day. Therefore they [the jurors] are in mercy.

1222. Henry de Ludehegh' killed Henry de Lihenhors, and fled. Therefore let him be exacted and outlawed. He was in the tithing of Kingeston' in the hundred of Tintenhull'. Therefore it is in mercy. He had no chattels. The township of Billington did not make pursuit; therefore it is in mercy.

1223. Hugh Doget appealed Benedict Morin for that, on the day next after the feast of the Purification of the Blessed Mary three years ago, he came to where he [Hugh] was, between

[1] Shepton Beauchamp.

Duueliz[1] and Cudewurth,[2] and struck him on the head with a club so that he felled him to the ground, and inflicted upon him two wounds in his left arm with a knife; and that he did this wickedly and feloniously and against the peace of our lord the King, he [Hugh] offers to deraign against him by his body as the court shall consider. Benedict came and defended the breach of the peace of our lord the King and the wounds and everything word for word, and this he offers to defend by his body as the court shall consider. And because his wounds were seen to be recent, and suit was sufficiently made, it is considered that there should be battle between them, and that Benedict should give gage to defend, and Hugh should give gage to deraign. Benedict's pledges: Andrew Wak', Robert de Dillington', Richard Bordel, and Peter Waynheb . . . Hugh's pledges ——[3]

1224. William Waygnoben killed Christiana Burel with a knife, and fled, and was outlawed upon the suit of Richard, Christiana's brother. He was in the tithing of Duueliz; therefore it is in mercy. His chattels, 10*s.*, for which the same sheriff must answer. The [township of] Duueliz Wak' did not make pursuit; therefore it is in mercy.

1225. Laurence de Glouc' fled to the church of Schepton' and confessed that he killed Grace de la Fenne. That matter [was] elsewhere in the hundred of Mertoke.[4] The township of Schepeton' did not make pursuit; therefore it is in mercy.

1226. Geoffry Pape appealed Roger le Pyn, Hugh his brother, and William Kene for that they beat and disgracefully used him, and because the appeal is null let inquest be made, etc. All the appealed come, and the jurors testify that all are guilty. Therefore all are in mercy. Let them be in custody. Afterwards all the appealed came and made fine for 20*s.* by pledge of Ranulf the reeve of Curri Malet and William le Bedel of the same.

1227. Thomas Pigaz, arrested for larceny, came and defended everything. The jurors testify that he is not guilty. Therefore he is quit.

1228. Concerning minors (*de valettis*), they say that Ralph

[1] Dowlish Wake. [2] Cudworth.

[3] Here the record of a very good instance of an appeal to be decided by a duel ends.

[4] There is no mention of this under the hundred of Martock. *Quære*, whether [was] should be [is].

de Albiniaco holds (*tenet*) the manor of Superton of the gift of our lord the King, who gave it to Philip his father (*et illud dedit Philipo patri suo*). That land was an escheat of the Norman [lands], and is worth per annum £40. Eustace de Doueliz holds Wyggebergh'[1] in right of his wife by serjeanty, that he should be usher in the hall of our lord the King.

1229. Concerning defaults, they say that the land of the Prior of Bruyton' in Perton' and the men of the Templars of Lepenne, Ralph de Albiniaco, William de Wydewurth', and Thomas de Gosshull', did not come on the first day. Therefore they are in mercy.

1230. Adam Crestrell, arrested for larceny, came and defended everything, and put himself upon the country. The jurors testify that he is guilty. Therefore, etc.[2] His chattels, 38*s.* 7*d.*, for which the same sheriff must answer.

Memb. 25*d.*

THE HUNDRED OF SUPERTON'—CONTINUED.

1231. William son of Adam Crestred, Roger Tubbe of Westcumbeland', and Walter King are suspected of larceny. Therefore let them be exacted and outlawed. William was received in the land of the Templars at Westcumbelond'. Therefore it is in mercy.

1232. William le Picher and Sampson de Watechet, arrested for larceny, came and defended everything, and put themselves upon the country. The jurors and the four nearest townships testify that they are guilty. Therefore let them be hanged. They had no chattels.

THE HUNDRED OF CANINTON[3] COMES BY TWELVE.

1233. Nicholas the miller of Fitinton' fell beneath the wheel of a certain mill, and was so hurt that he died. No one is suspected. Judgment, misadventure. Price of the wheel 12*d.*, for which the sheriff, etc.

1234. Malefactors came to the house of Edith daughter of

[1] Wigborough, in South Petherton (?) See No. 1127. See Hazlitt's "Tenures," p. 370.

[2] This is common form for the capital sentence—The man was hanged, as the marginal note tells us.

[3] Cannington.

Gunilda and burgled it. The twelve jurors did not present any attachment; therefore they are in mercy.

1235. Robert Barat hanged himself. No one else is suspected. Judgment, *felonia de se ipso*. He had no chattels.

1236. William de Chaundoys fell dead in the way by (*versus*) the well of St. Michael. The first finder comes and is not suspected. No Englishry; therefore murder.

1237. Margery, formerly the wife of Stephen de la Merse, appealed Robert de Blakemor of rape. Robert does not come. Therefore he and his pledges are in mercy, to wit, Thorstan de Burcy and Robert de Koker.

1238. Robert Rosel was drowned from a certain boat ——[1]

1239. William Attehildeweye[2] was suspected of larceny, and fled. Therefore let him be exacted and outlawed. He was in the tithing of Essehelde; therefore it is in mercy. His chattels, 10*s*., for which the sheriff must answer.

1240. Certain fairs (*nundine*) are [held] at Fitinton, and there they take customs, without warrant, as [the jurors] believe.

1241. Concerning defaults, they say that John de Nevill', Robert de Eston', John the hayward, William de Dray, and Ralph Doget did not come on the first day. Therefore they are in mercy.

1242. Margery, formerly the wife of Stephen de Merse, is in mercy for her transgression.

THE BURGH OF STOKE CURCY COMES BY TWELVE.

1243. John de Rechich' beat one Juliana daughter of Maynard, so that he killed her boy in her womb, and fled. Therefore let him be exacted and outlawed. He was received at Stoke Curcy. Therefore [that township] is in mercy. The jurors concealed that matter; therefore they are in mercy. He had no chattels.

THE HUNDRED OF CRUK'[3] COMES BY TWELVE.

1244. Walter Huberd, indicted for larceny, fled to the church of Cruk', confessed the larceny, and abjured the realm. He was received at Cruk'. Therefore [the township] is in mercy. His chattels, 12*d*., for which the sheriff must answer.

[1] This entry is incomplete.

[2] This name was originally written as "William de Halewaye," and is altered to "Attehildeweye."

[3] Crewkerne.

1245. Roger Burnel, having the falling sickness, was drowned in the water of Essehe. Lucy de Othull, the first finder, comes and is not suspected. No Englishry; therefore murder.

1246. The clapper of a bell in the church of Cruk' fell on the head of Walter Knoll so that he was killed. Judgment, misadventure. Price of the clapper 6*d.*, for which the sheriff must answer. The jurors present that view was made by the coroner, and the coroner says that he did not see him. Therefore [the jurors] are in mercy for false presentment. And because the township of Cruk' buried him without view of the coroner, it is in mercy.

1247. Touching the sale of wines, they say that Robert de Cruke and Henry de Exon have sold wine contrary to the assize. Therefore they are in mercy.

1248. Concerning cloths, they say that Ranulf Menge and Richard Trice have sold cloth contrary to the assize. Therefore they are in mercy.

1249. Concerning defaults, they say that Walter de Ely, Henry de Seinmor, Richard the butler (*Pincerna*), William de Clavile, Robert de Clavile, Warreis de Escumbe, John de Bosco, Baldwin de Clopton, William de Insula, Robert de Mullent, Richard the chaplain, Serlo the cook, and Richard Waling did not come on the first day. Therefore they are in mercy.

The Hundred of Dulverton comes by six

1250. And they say nothing.

The Manor of Wyneford[1] comes by six.

1251. Concerning defaults, they say that William de Ripariis and William de Blakeford did not come on the first day. Therefore they are in mercy.

The Township of Ivelcestr'[2] comes by twelve.

1252. A certain approver escaped from the prison of Ivelcestr' and fled to the church of St. John the Baptist in the time of Joel de Valetorta.[3] Therefore to judgment upon him [Joel].

[1] Winsford, [2] Ilchester, [3] The sheriff,

1253. Two thieves, who were adjudged, by the justices assigned to deliver the gaols, to be hanged and were delivered to William de Wellesle to execute the judgment upon them, fled to the church of St. Mary the greater, and thence by night escaped. Therefore to judgment for the escape.

1254. A certain she-thief (*latrona*), who sought victuals for the use of the thieves who were in the gaol, betook herself to the church of St. John and abjured the realm. Therefore to judgment for the escape.

1255. Four thieves escaped from the gaol and fled to the church of the Blessed Mary and abjured the realm. One of them was committed to gaol by the Bishop of Salisbury, to whom he had been delivered. Therefore to judgment on the Bishop.

1256. Agnes son of Geoffry de Gunell' appealed Nicholas le Fardeyn' of rape. She did not come, nor had she any pledge except [her] faith. Nicholas comes, and the jurors testify that he is not guilty; therefore he is quit. And let Agnes be taken.

1257. Adam Smalprud was taken upon suspicion of larceny, and liberated [when] Joel de Valetorta [was] sheriff. It is not known what became of him. Therefore the sheriff must answer.

1258. John de Balun encroached on (*artavit*) the King's highway (*viam regalem*) outside the east gate. The sheriff is therefore ordered that he should restore the same, and that it should be as it was wont to be.

1259. Touching new customs, they say that the lord of Northover takes tolls not according to custom (*consuetudines non consuetas*), and it is not known by what warrant. Therefore this must be discussed.

1260. Concerning churches which are in the gift of our lord the King, they say that the church of St. John the Baptist is in the gift our lord the King, and Henry de Bath' holds it.

1261. Concerning the sale of wines, they say that Gervase Trice, Margery, formerly the wife of Ranulf le Albe, Mathew de Bristold', Hugh Ruffus, and Henry the vintner[1] (*vinetarius*), have sold wine contrary to the assize. Therefore they are in mercy.

1262. Concerning cloth sold against the assize, they say that

[1] This name is struck out and "*alibi*" written over it.

Stephen Ruffus has sold cloth against the assize. Therefore he is in mercy.

1263. Concerning strangers, sellers of wine in this eyre, they say that Walter de Kentilesberg', John de Exton', and Henry the vintner, have sold wine against the assize. Therefore they are in mercy.

1264. Roger Gaderwyn of Dorset, accused of larceny, fled to the church of the Blessed Mary of Ivelcestr', confessed the larceny, and abjured the realm. His chattels, *27s.*, for which the sheriff must answer. He was not in tithing because a stranger.

ROLL No. 175. (DEVONSHIRE.)

The date of this roll is A.D. 1244, 28 Hen. III.

Memb. 1.

Pleas and assizes at Exeter in the county of Devon on the morrow of the Ascension in the twenty-eighth year of the reign of the King before Roger de Thurkileby and his companions.

1265. William the archdeacon of Tanton' was summoned to answer John Bretache and Angareta his wife on a plea that he should permit them to present a fit person to the church of Exeford which is vacant and [belongs] to them, etc., and whereon they complain that he unjustly prevents them, and thereby they are injured and have [suffered] damage, etc. The archdeacon comes and defends the force and injury, etc., and says that he has never hindered them in presenting to the church, nor has he made any claim to the advowson of the church, but he says that he deferred admitting their clerk because of the appeal which Henry de Suleny made against John and Angareta's clerk, so that by lapse of time he conferred the said church with the authority of the council (*ita quod per lapsum temporis contulit predictam Ecclesiam auctoritate consilii*).[1] John and Angareta cannot deny this. Therefore it is considered that the archdeacon [may go] without a day, and John is in mercy Pledge for the amercement, Wymerus de Ralegh.

[1] I think that this must refer to the Lateran council of 1179 which issued a canon about the lapse of presentations.

Memb. 22d.

1266. The bailiffs of the city of Exeter offered themselves on the fourth day against the Prior de Monteacuto [on a plea] why he took tolls of the lawful men of Exeter coming to the Prior's fair of Tyntenhull' and Homedon contrary to the liberties they enjoy by the charters of the predecessors of our lord the King; and against Nicholas de Evesham on a plea why he took tolls of the same men coming to the fair of the same Nicholas at St. Decuman, contrary, etc. They do not come, and they were summoned, etc. Judgment, let them be attached that they be at Schyreb'ne on the morrow of St. . . .

1267. William Lungespeye puts in his place Gilbert Grassenleyl or John de Trowbir, . . . Erleg', and others named in the writ, on a plea by what warrant they have enclosed a park, etc., and [against] . . . . senden' on a plea of a certain dyke raised in Kaneford to the injury, etc., and against Ralph B . . . raised in Caneford', and against Geoffry son of the chaplain of . . . . etc., and against John Mautravers concerning a park raised in Kane[ford] . . . puts in her place John her husband against William . . .[1]

Memb. 33d.

Essoins *de malo veniendi* taken on the morrow of Trinity.

1268. Nicholas de Meryet against the mayor and citizens of Exeter, on a plea of tolls, etc. by Adam de Lopen. On the morrow of St. John Baptist at Schyrb'ne. He has pledged his faith.[2]

1269. Philip de Aynebaud' against the same by Richard de Montesorell'. He has pledged his faith.

ROLL No. 200. (DORSETSHIRE.)

The following pleas were taken in the summer of A.D. 1244, 28 Hen. III.

[1] The roll is here illegible in parts. This seems to be the effect of what can be read.

[2] In the margin is the note "*nō ÷ alii ī ƀri.*"

Memb. 1.

Pleas and assizes at Schyreburn in the county of Dorset, before R. de Thurkileby and his companions in three weeks after Trinity in the twenty-eighth year of King Henry, son of King John.

Memb. 3*d.*

1270. The assize comes to recognise whether Hugh de Cnappe father of Thomas Knappe was seised, etc. of one virgate of land with the appurtenances in Knapp[1] on the day, etc., and whether, etc. which land Lucy Malet holds, who comes and vouches to warranty Mary de Cam. Let her have her [Mary] on the quindene of St. Michael at Westminster by help of the court. And let her be summoned in the county of Norfolk. Lucy puts in her place Nicholas de Hywys.

1271. Margery, formerly the wife of William de Bodevill', is in mercy for [her] transgression against Jordan de Harpeford, by pledge of the sheriff.

1272. William Fukeram offered himself on the fourth day against Godfrey de Aunho on a plea that he should permit him to have the common pasture in his, Godfrey's, wood in Heywode which he [William] ought to have, etc. And Godfrey did not come, etc., and he was attached by Robert Cauketerre and Thomas de Welles. Therefore let him be put under better pledges that he be at Westminster on the quindene of St. Michael, and let the first [pledges] be amerced, to wit, each of them $\frac{1}{2}$ mark, by pledge of Colin de Litleton'.[2]

Memb. 4.

1273. Mabel daughter of Adam Balle seeks against Henry de Cunteville one messuage with the appurtenances in Welle as her right and marriage portion, and in which Henry has no entry except by Ralph Magod, to whom Thomas le Specer, formerly Mabel's husband, demised it, and whom she, etc. Henry comes and vouches to warranty Ralph Magod, who comes and warrants him and defends her right and such entry; and he positively defends that he had entry in the said messuage by the said Ralph [mistake for Thomas], for he had entry by

[1] Knapp in North Curry.

[2] See No. 678.

Richard Maugod, Mabel's brother, who gave that messuage to him by his charters, which he proffers, and which testify this, etc. Mabel offers our lord the King ½ mark to have an inquest thereon, and it is received by pledge of Oliver de Dynam. The sheriff is ordered that he should cause twelve of the township of Welles to come, by whom, etc., and who now, etc., to recognise, etc. The jurors say that Ralph Magod had entry in the said messuage by the said Richard Magod, Mabel's brother, and not by the said Thomas. Therefore it is considered that Ralph [may go] without a day, and Mabel is in mercy. She is a pauper.

1274. The assize comes to recognise whether Robert de Bryus unjustly, etc. disseised Robert de Pavilly and Joan his wife of their free tenement in Bygehausle since the first, etc., and whereon it is complained that he disseised them of a certain lane (*venella*) and a certain road (*chimyno*), in respect of which he [Robert] was wont to take for every great beast (*grosso averio*), going by the said way to the pasture, 1*d*. Robert, by his attorney, comes and says that the road is a common road for all passers, so that Robert and Joan have no separate [interest] therein, neither in the road nor in the lane. Robert de Pavilly and Joan cannot deny this. Therefore it is considered that Robert de Bryus [may go] without a day, and Robert and Joan are in mercy for their false claim. They may proceed by another writ if they will.

Memb. 4d.

1275. The assize comes to recognise whether Robert de Bryus unjustly, etc. disseised Robert de Pavilly and Joan his wife of their common of pasture in Curylande, which appertains to their free tenement in Bygthausle, since the first, etc. Robert does not come, but William his bailiff comes and alleges nothing wherefor the assize should remain. The jurors say that Robert de Bryus did unjustly disseise the said Robert and Joan of the said pasture. Therefore it is considered that Robert and Joan should recover their seisin by view of the jurors, and Robert de Bryus is in mercy for his disseisin by pledge . Damages, ½ mark.

1276. Matilda, formerly the wife of William Warde, offered herself on the fourth day against Ralph Ward on a plea of one-

third part of ten acres of land, and of half an acre of meadow, and of 28*d.* of rent, with the appurtenances in Cumpton' which she claims in dower against him. Ralph did not come, etc., and he was summoned, etc. Judgment, let the one-third part be taken into the hand of our lord the King, etc., and the day, etc., and let him be summoned that he be [here] on Tuesday next after the festival of the Apostles Peter and Paul, etc. Afterwards Ralph came and said that she ought not to have dower therein, because the said William, formerly her husband, on the day, etc., nor ever, etc., held the said land in fee so that he could endow her thereout. Therefore the sheriff is ordered that before himself, etc.,[1] and according to what he should learn by that inquest he should do justice.

Memb. 5.

1277. The assize comes to recognise whether Sara mother of Edith was seised in her demesne, etc. of half of one ferling of land with the appurtenances in Adelmundesworthy[2] on the day on which, etc., and whether, etc., which land Geoffry de Dunheved holds, who comes and vouches to warranty Sybil de Pyrhou. Let him have her [here] on the octave of SS. Peter and Paul by aid of the court. Afterwards Edith came and released all her right, etc., for one tunic which Geoffry gave her, etc., and for 7*s.*

1278. The Prior of Bermundes', by his attorney, offered himself on the fourth day against Henry, the parson of Kynewardeston', on a plea of one messuage and half a virgate of land with the appurtenances in Kynewardeston'[3] which the prior claims against him in right of his church, etc. Henry did not come, etc., and he made other defaults, to wit, before the justices on the last eyre at Ivelcester, namely, Roger de Thurkileby and his companions, so that the land was taken in the hand of our lord the King, and the sheriff notified the day of taking, and that he was summoned, etc.[4] Therefore it is considered that the prior should recover his seisin against him by default, and Henry is in mercy.

1279. The assize comes to recognise whether Richard le Bere

[1] The sheriff is told to hold an inquiry, and to act accordingly.
[2] Almsworthy in Exford.
[3] Kingweston.
[4] See No. 708.

unjustly, etc. disseised the Abbot of Schyreburn' of his free tenement in Corfton' since the first, etc., and whereon it is complained that he disseised him of half a hide of land with the appurtenances. Richard comes and fully confesses that a certain covenant was made between Avice, Richard's mother, and the Abbot touching the said land, namely, that Avice gave and granted to the abbot and his convent of Schyreburn' the whole of the said land for 35 marks, which the abbot and convent should pay for the said land at times agreed between them, and for a certain payment (*liberacione*) to be taken for the use of Avice for life. And because the abbot did not pay the money at the said times he [Richard] put himself in seisin of the said land. Because Richard cannot deny that the abbot was in seisin of the said land with its appurtenances as of the gift and grant of Avice, whose right the land was, it is considered that the abbot should recover his seisin by view of the recognitors and Richard is in mercy by pledge . Damages, 10 marks.[1]

1280. The assize comes to recognise whether Adam de Foukland unjustly, etc. disseised Agnes de Aunestowe of her free tenement in Fouklande since the first, etc., and whereon it is complained that he disseised her of four virgates of land with the appurtenances. Adam comes and says that the assize ought not to be made, because in truth one Walter, her brother, gave the land to Agnes, and that she afterwards gave the same land to him, Adam, and because she was without the province when she made the gift to him, and did not dare to come to his parts because she was excommunicated, she made certain letters patent to one Robert son of William de Litleton and Nicholas de Noers directing [them] to put him, Adam, in full seisin of the said land, and he proffers the same letters, which testify this He proffers certain letters patent of Agnes, which testify that she received her rent for the term of Easter in the twenty-seventh year of the King's reign. Agnes says that she never gave him any land nor ever made any letters patent by which he ought to have put himself in seisin of the said land, nor any other letters patent by which Adam says she [admitted] to have received the said rent, but she will tell the truth. She was

[1] The action of novel disseisin, of which this is an example, was purely possessory. It did not raise a question of title. The abbot was in seisin; Richard disseised him without judgment and within the time of limitation; therefore he was wrong. In the margin is "let him be in custody," and the usual "m̃ia" is struck out. Evidently Richard did not find the pledge for which the clerk had prepared.

impleaded in court christian so that she was excommunicated and feared lest she should be taken, and she withdrew herself from the province (*extra provinciam*) and appointed the said Adam her bailiff, and executed to him certain letters to sue for her in the county [court] and in the hundred [court], and that this was so she seeks the assize. The jurors say that Agnes was excommunicated for a certain debt sought from her in court christian, and because she feared to be taken by the sheriff, she withdrew herself to remote parts (*ad partes remotas*) and appointed Adam to be her attorney to sue for her in the county and hundred [courts], and they positively say that she never gave him the said land nor executed to him any charter nor the said letters which Adam proffered, wherefore they say that Adam did disseise her unjustly, etc., as the writ says. Therefore it is considered that Agnes should recover her seisin, and Adam is in mercy. Let him be committed to gaol. Afterwards it is testified that the sheriff allowed him to go free. Therefore let him answer, etc. Pledges for Adam's amercement William de Curtenay and Geoffry de Dunheved. Damages, 10 marks.

Memb. 5*d.*

1281. Mary, formerly the wife of Thomas de Bluntvill', offered herself on the fourth day against Robert de Sancto Claro on a plea of one-third part of one virgate of land, with the appurtenances, in Bykehull', and against Edith, formerly the wife of Gervase de Bykehull', on a plea of one-third part of one-third part of one virgate of land, with the appurtenances, in the same vill, which third parts she claims in dower against them. They do not come, etc., and they were summoned, etc. Judgment, let the third parts be taken into the hand of our lord the King, and the day, etc. And let them be summoned that they be [here] on Saturday, etc. The sheriff is notified, etc. Afterwards they are agreed, and Robert gives ½ mark for a licence to agree by pledge of Ralph de Ferr'. The agreement is that Mary should release the whole for 40*s.*, which Robert gives her, etc.

1282. Margery de Flury offered herself on the fourth day against William de Grennevill on a plea that he, together with Joan his wife, should give up to her ten acres of land and one mill, with the appurtenances, in Langeford, which she claims

against them as her right and marriage portion. William did not come, etc. And he was summoned, etc. Judgment, let the land and mill be taken into the hand of our lord the King, and the day, etc. and let him be summoned that he be [here] on Tuesday, etc. The same day is given to Joan wife of William *in banco*.

Memb. 7.

1283. Isolt, formerly the wife of Robert de Blokkesworth, seeks against William Maunsel one virgate of land, with the appurtenances, in Were, and against Geoffry Pruz nine acres of land and six acres of meadow, with the appurtenances, in Baggeworthe, and against Richard de Weston' and Robert Screppe twenty-eight acres and one perch of land, with the appurtenances, in Weston', as her right and inheritance, and in which they have no entry otherwise than by the said Robert, formerly husband of Isolt, whom she in his lifetime, etc. William and all the others, except Robert Screppe, come. William and Richard vouch to warranty Henry son of Robert de Blokkesworth. Let them have him on Sunday, etc. Geoffry Pruc comes, and they are agreed by licence, and have the chirograph. On the day the said Henry did not come; therefore of his land let there be taken to the value, etc., and let him come on Tuesday. Afterwards it is testified that the said Henry dwells (*manet*) in the county of Lincoln. Therefore let him be summoned that he be at Westminster on the octave of St. Michael. The same day is given to William and Richard *in banco*.[1]

Memb. 8.

1284. Maurice de Borham offered himself on the fourth day against John Moryn on a plea that he should pay him 16 marks which he owes him, and unjustly, etc. John did not come, etc. He made other defaults, to wit, before the justices, on the last eyre at Ivelcestr', so that the sheriff was ordered to distrain him by his lands and chattels, etc., and that he should have his body on the next coming of the justices into the county of Dorset.[2] The sheriff testifies that he notified William Payn, bailiff of

[1] It is obvious that this entry was written from time to time in the order of events. There is in the margin below the county name, the note "÷."

[2] See No. 728.

Tampton', who did nothing. Therefore the sheriff is ordered as before. Afterwards the sheriff comes and testifies that the said John has nothing in this county beyond a rent of 5 marks, and that he has in the county of Surrey a sufficiency of land by which he may be distrained. Therefore the sheriff is ordered that he should distrain him by his lands, etc., and that he should have his body [at Westminster[1]] on the quindene of St. Michael, etc. Maurice puts in his place Adam de Vallibus.

Memb. 8d.

1285. Henry de Cern offered himself on the fourth day against John de Lambrok' on a plea that he should warrant to him half a virgate of land and one messuage, with the appurtenances, in Lapse,[2] which Sabina, formerly the wife of Henry del Ortyay, claims as her right and escheat against him [de Cern]. John did not come, etc., and he was summoned, etc. Judgment, let there be taken into the hand of our lord the King of John's land to the value, etc., and the day, etc., and let him be summoned that he be at Westminster on the quindene of St. Michael. The same day is given to Sabina, etc., and Henry puts in his place Henry de Tampton. Sabina puts in her place Richard Coppe or Adam de Haselber', and removes Adam de Lumen', whom before, etc.

1286. Mabel, formerly the wife of Robert Martin, seeks against Robert Fromund half a hide of land, with the appurtenances, in Nethercote, as her right and marriage portion, etc., and in which the said Robert has no entry otherwise than by Alexander de Luveny, to whom the aforesaid Robert Luveny, formerly the husband of Mabel, demised it, whom in his lifetime she, etc. Robert comes and defends her right and such entry, and says that he had no entry in that land by the said Alexander, for he had entry in the same by the said Robert, formerly Mabel's husband, and Mabel cannot contradict this. Therefore it is considered that Robert [may go] without a day, and Mabel is in mercy. She is a pauper.

Memb. 10d.

1286*a*. Mabel, formerly the wife of Robert Martin, offered herself on the fourth day.

[1] "Westm" is in the margin only. The sheriff here would be the sheriff of Surrey. "Surr." also in the margin.

[2] Apse in Broadway.

1287. The assize comes to recognise whether John Gulafre, Thomas Heose, Richard the serjeant, Roger son of Richard, Robert Duriman, William Fichet, Jordan Gulafre, Robert de Wotton', Godfrey the serjeant, Robert Leylolt, Peter Grenne, William Scot, Henry Bud, Geoffry son of Robert, El' Gay, Roger de Sutever, Peter Putte, Robert Putte, Godfrey de Deverel, William son of Richard, Roger son of Hugh, Richard Alfred, Robert Pope, Adam Sorel, Walter his son, Robert Wenth', Reginald Gulafre, David Garnage, Robert de Irlond', Hugh Prat, John Gyode, and John Biaude unjustly, etc., disseised Hugh de Vivon of his common of pasture in Wytton, which appertains to his free tenement in Dyandon, since the first, etc., and whereon it is complained that [1] John Gulafre comes and answers for himself and all the others, except Thomas Hose, Roger son of Richard, and Jordan Gulafre, for whom he does not come, and alleges nothing wherefor the assize should remain. The jurors say that John and the others did disseise Hugh of the said common unjustly, as the writ says. Therefore it is considered that Hugh should recover his seisin by view of the jurors. John and all the others are in mercy by pledge of Martin de Legh and Reginald Hose. Damages, 1 mark.

Memb. 11.

1288. Margery de Flury seeks against William de Grennevill and Joan his wife ten acres of land and one mill, with the appurtenances, in Langeford, which she claims as her right and marriage portion and in which they have no entry otherwise than by John Cumyn, to whom William de Budevill', formerly Margery's husband, demised them, and whom in his lifetime she, etc. William and Joan come and vouch to warranty John Cumyn, who is present, and warrants them and defends her right and such entry, and says that he has no entry in the said land and mill by the said William, for he has entry in the same by Margery herself, and John offers our lord the King 1 mark to have an inquest. The jurors say that one Richard de Budevill, whose right and inheritance the land was, committed felony, by reason of which the land was in the hand of our lord the King for a year and a day. And afterwards there came one Adam de Stawell, to whom our lord the King gave the land, and he gave

[1] Here is a blank space.

it to Thomas Flury, Margery's father, so that he, Thomas, afterwards gave the same land to the said William de Bodevill, husband of the said Margery in marriage with Margery, and they say positively that the said John had entry in the said land and mill by the said William de Bodevill, Margery's husband, and not by Margery. Therefore it is considered that Margery should recovered her seisin, and John is in mercy. And let him make an exchange with the said William and Joan to the value, etc.

1289. The same Ernisius de Dunheved confesses that he gave and granted to Geoffry de Dunheved the whole of his land in Hertiland and Uppekot' and 30*s.* annually in Welles, to have and to hold to Geoffry and his heirs of the chief lord of the fee, etc., and after the death of him, Ernisius, the whole of the residue of the land of Ernisius in Welles should revert to him, Geoffry, and his heirs for ever.

1290. Robert de Edinton confesses that he owes Ralph de Carevill' 13 marks on a fine made between them, of which he should pay him on the octave of St. Peter ad Vincula in the twenty-eighth year 6 marks, and on the morrow of St. Michael next following, 6 marks, and this payment is to be made at Glaston, and unless he do this he grants that he [Ralph] may distrain, etc.

1291. The assize comes to recognise whether Emericus del Orchyard, Philip de Wydicumbe, and Henry de Otryford unjustly, etc., disseised Humphrey del Orchard of his free tenement in Orchyard since the first, etc., and whereon it is complained that they disseised him of the whole manor of Orchyard of which James his father died seised as of fee, and he, Humphrey, after the death of the said James his father, remained in seisin thereof for one day and a half as his son and heir until the said Emericus and the others disseised him. Emericus comes. The others have not come, nor were they attached, because they were not found. Therefore let the assize be taken against them by default. Emericus says that the assize ought not to be made, because in truth one Robert de Neutor at one time impleaded James del Orchyard his brother touching the said manor in the court of our lord the King, and that James essoined himself *de malo lecti* against him [Robert] in the same court. Afterwards they were agreed in the same court before the justices itinerant at Canterbury,[1] so that a chirograph was made between them,

[1] See "Somerset Fines," p. 108, No. 38.

which he proffers, and which testifies that the said James recognised the said manor, with its appurtenances, to be the right of Robert, and gave it up to him in the same court, and for this, etc., the same Robert, on the request of the said James, gave and granted to the said Emericus del Orchyard the said manor, with its appurtenances, to have and to hold, to the same Emericus and the heirs of his body, of the said Robert and his heirs for ever, rendering therefor yearly one pound of cummin or two pence at the festival of St. Michael, and performing the forinsec service which belonged to the manor for all services, exactions, etc. And because it is proved by the fine that the said James had nothing in the said manor otherwise than by the permission and grace of Emericus, it is considered that Emericus [may go] without a day, and that Humphrey should take nothing by that assize, but should be in mercy for his false claim.[1]

ROLL No. 201. (DORSETSHIRE.)

This roll contains part of the proceedings upon the eyre, of which Roll No. 200 is also a record. It dates from the summer of 1244.

Memb. 1.

Pleas of the Crown in the county of Dorset at Schyreburn, before Roger de Thurkelby, Gilbert de Preston, and their companions, justices itinerant, in the twenty-eighth year of the reign of King Henry, son of King John.

Memb. 8.

1292. Amercements in the county of Dorset on the eyre of R. de Thurkelby :

Robert de Pavilly for the same[2] ½ mark.

Memb. 8*d.*

John Gulafre for disseisin ½ mark
John Cumyn for unjust detention 1 mark

[1] This is followed by a few words, partly, and no doubt intended to be wholly, struck out, to the effect that he should hear his judgment at Westminster on the quindene of Michaelmas.

[2] For "false claim." This and the following entries have the county name "Somerset" in the margin.

Memb. 9.

William Barat of Southampton, his fine for transgression. By pledge of William Reymund of Southampton and Stephen Joce — 1 mark.

Memb. 9*d.*

The sheriff for the chattels of Benedict Morin of Estdoneleg', convicted of felony — 16*s.*

Memb. 10*d.*

The township of Meleburn for transgression — 1 mark.

Memb. 11.

Essoins *de malo veniendi*, taken at Schyreburn' on the morrow of the Apostles Peter and Paul.

1293. The Prior de Monte Acuto against the Mayor and Bailiffs of Exeter on a plea of tolls by Richard de Worth. On Saturday next after the festival of the Apostles Peter and Paul. He has pledged his faith.[1]

Essoins de *malo veniendi*, taken at Schireburn' on the octave of St. John Baptist.

1294. Roger de Walton against Baldwin de Wayford on a plea of debt by Michael son of William. On the quindene of St. Michael at Westminster. He has pledged his faith.[2]

1295. Robert Scerepe against Isolt, formerly the wife of Robert de Blokesworth, on a plea of land, by Jordan Kene. On Sunday. He has pledged his faith.

1296. Richard de Blancmoster, whom Thomas de la Ware vouched to warranty, against Mabel, formerly the wife of Robert Martun, on a plea of land, by Gervase de Aysseford. A day is given him on Monday, and Mabel puts in her place Richard de Cathanger.

[1] In the margin "*ve.* ÷."

[2] *Ve* ÷ in the margin.

ROLL No. 699. (OXFORDSHIRE.)

The date of this roll is the summer of A.D. 1247.

Memb. 1.

Pleas and assizes taken at Oxford on the morrow of the Ascension of our Lord, in the thirty-first year of the reign of King Henry, son of King John, before Roger de Thurkelby and his companions.

Memb. 9.

1297. Drogo de Staunton and Alice his wife put in their place Drogo their son, or Henry de Monteforti, against the parson of Staunton and the Archdeacon of Bath on a plea of prohibition.[1]

Memb. 19.

1298. Henry de Monteforti offered himself on the fourth day against Master William de Leucenay on a plea why he sued in court christian a plea of advowson of the church of Nuny[2] which belongs to his free tenement in the same vill contrary, etc. William did not come, etc., and the sheriff was ordered that he should attach him to be here to-day. The sheriff certified that [William] had no lay fee by which he might, etc. Therefore the Bishop of Bath is ordered that he should cause him [William] to come to Northampton on the morrow of the nativity of St. John Baptist, etc., and thereon the sheriff has certified, etc.

ROLL No. 614. (NORTHAMPTONSHIRE.)

The date of this roll is the summer of A.D. 1247.

Memb. 1.

Pleas and assizes taken at Northampton on the morrow of the nativity of St. John Baptist, in the thirty-first year of the reign of King Henry, son of King John, before Roger de Thurkelby and his companions.

[1] See Nos. 1300, 1302, 1307, 1315 and 1325.

[2] Nunney.

Memb. 4.

1299. Henry de Monteforti offered himself on the fourth day against Master William de Leuencenay on a plea why he sued in court christian a plea of advowson of the church of Nuny which belongs to his [Henry's] free tenement in the same vill contrary, etc. William did not come, etc., and the Bishop of Bath was notified that he should cause him to be here to-day. The Bishop did nothing, but he has certified that he summoned him, etc. Therefore the sheriff is ordered that he should summon the Bishop that he be [here] in one month after the nativity of St. John Baptist, and let him have here the said Master William, etc., and let the Bishop be [here] to hear his judgment, etc.[1]

1300. Drogo de Staunton and Alice his wife offered themselves on the fourth day against Master Nicholas, Archdeacon of Bath, on a plea why he held in court christian a plea touching the lay fee of them, Drogo and Alice, in Staunton' contrary to the prohibition, etc. Nicholas did not come, etc., and he had this day by his essoin, after the Bishop of Bath was notified that he should cause him to come before the justices itinerant at Oxford on the morrow of Trinity, etc. Therefore the sheriff is ordered that he should summon him to be [here] in one month after the nativity of St. John Baptist, etc., and let him have here the archdeacon, etc., and let the bishop be [here] to hear his judgment.[2]

1301. Robert Walleraund puts in his place Nicholas the chaplain against Roger, Bishop of Bath, on a plea of dower.

Memb. 4*d.*

1302. Walter the parson of Staunton' was attached to answer Drogo de Staunton' and Alice his wife on a plea why he [Walter] sued in court christian a plea touching the lay fee of them, Drogo and Alice, in Staunton' contrary to the prohibition, etc., and whereon Drogo and Alice, by their attorney, say that when he [Walter] held one virgate of land, with the appurtenances, in Staunton' of the fee of them, Drogo and Alice, by such forinsec service as should belong to the said virgate of land for all services, and when they wished to make distress (*facere*

[1] In the margin is the note "ɜ" See Nos. 1298 and 1308.
[2] See Nos. 1307, 1315 and 1325.

districionem) for the scutage of Gannok,[1] demanding from the same Walter 12*d.* in the name of scutage for the said land when the scutage was at 40*s.*, and for more, more, and for less, less. Walter on the occasion of the distress cited them before the official of the Archdeacon of Bath at Bristoll' in the church of St. Mary or la Radeclive; and when they brought to Walter the prohibition of our lord the King that he, Walter, should not further prosecute that plea, the same Walter, in contempt of the prohibition of our lord the King, prosecuted the plea in court christian before the Archdeacon of Bath from day to day, and caused them and all their men to be excommunicated. Wherefore they say that they are injured and have [suffered] damage to the value of £41 and thereof they produce suit, etc. Walter comes and defends the force and injury, etc., and fully admits that Drogo and Alice did bring to him the said prohibition, on Saturday in the week of Easter last past about the hour of prime, but he positively defends against them and their suit that he ever after prosecuted any plea in court christian against Drogo and Alice on the occasion of the distress for the said scutage, and that he ever after the said occasion caused them to be excommunicated. This he is ready to defend against them and their suit as the court shall consider. Therefore it is considered that he should wage his law to the twelfth hand,[2] and come with his law in one month after the day of the nativity of St. John Baptist. [Walter's] pledges for the law, Jordan de Budiford' and Richard de Clendon'; and Walter is ordered that in the meantime he should cause Drogo and Alice and their men, who on the occasion aforesaid were excommunicated, to be absolved, and that to do this he should find the aforesaid pledges who have mainprised this. Moreover, Master John de Stantona, son of the said Walter, has also mainprised this, and bound for this a certain wardship (*custodiam*) which he has in the county of Somerset. Afterwards, on the said day Walter came, and was not able to deny that on the occasion of the distress which Drogo and Alice made for the said scutage he excommunicated them and denounced the excommunicated. Afterwards, by order of the justices he proclaimed them to be absolved from that sentence, and thereupon executed his letters patent which Henry de

[1] In 1246, of 3 marks on the fee, for the Welsh War: Stubbs, "Const. Hist.," ch. 14.

[2] See note to No. 572.

Monte forti, the attorney of the said Drogo and Alice, proffers and which testify this. Afterwards they are agreed, and Walter gives 40*s.* for a licence to agree by pledge of William de Bosco and Peter de Asrugg'. The agreement is that Walter should pay them the said scutage, and he freely grants that in future he will pay scutage when it shall happen, to wit, 12*d.*, of a scutage of 40*s.*, more or less, and Walter owes Drogo and Alice 40*s.* for their damages, of which he will pay them half at the festival of St. Michael in the thirty-first year and the other half at the nativity of our Lord next following; and if he do not this, he grants that the sheriff may cause of his lands, etc.[1]

Memb. 8.

1303. Robert Walleraund and Denise his wife, by their attorney, seek against Roger, Bishop of Bath, the manor of Axebrigge, with the appurtenances, whereof Thomas le Waleis, formerly Denise's husband, endowed her by name when he married her, etc. The Bishop, by his attorneys, comes, and vouches to warranty Andrew Luterel and Robert de Gurnay, the heir of Maurice de Gaunt. Let them[2] have them in one month after St. John Baptist's day by help of the court. Let Andrew be summoned in the county of Nottingham and Robert in the county of Somerset.

Memb. 12*d.*

1304. Christina, formerly the wife of Nicholas Attebere, offered herself on the fourth day against Master Walter de Sancto Quintino, Archdeacon of Taunton', on a plea of one-third part of twenty-seven acres of land, one acre of meadow, one acre of wood, and one messuage, with the appurtenances in Welleford', which third parts she claims in dower against him, etc. Master Walter did not come, etc., and he was summoned, etc. Judgment, let the said third part be taken into the hand of our lord the King, and the day, etc., and let him be summoned that he be at Bedford on the quindene of St. Michael, etc.

[1] See Nos. 1297, 1300 and 1335. The case against the archdeacon for his share in the matter has yet to be heard: see Nos. 1307, 1315, and 1325.

[2] The plural number is used, by reference, no doubt, to the attorneys of the Bishop.

Memb. 23.

1305. Margery de Florie seeks against William de Langeford' and Matilda his wife eight acres of land and one-third part of one messuage, with the appurtenances in Langeford', as her right and marriage portion and in which they have no entry otherwise than by William de Langeford', to whom William de Bradevill', formerly Margery's husband, demised them, whom in his lifetime she could not contradict. William and Matilda come and seek a view. Let them have it. A day is given them at Bedford in three weeks after St. Michael's day, and in the meantime, etc. And Matilda puts in her place William her husband, etc.

1306. Muriel, formerly the wife of Robert de Sancta Barba, by her attorney, offered herself on the fourth day against C[ecily] . . . on a plea of one-third part of seventeen acres of land, with the appurtenances in Hunespull',[1] which she claims in dower . . . Cecily did not come, and she made other default before the justices at Westminster, to wit, on . . . . . so that the sheriff was ordered that he should take the said third part into the hand of our lord the King, and the sheriff notified the day of taking, and that she was summoned. Therefore it is considered that Muriel should recover her seisin against her by default, and Cecily is in mercy for unjust detention.

Memb. 25.

1307. Master Nicholas, Archdeacon of Bath, was attached to answer Drogo de Staunton' and Alice his wife on a plea why he held in court christian a plea touching the lay fee of them, Drogo and Alice, in Staunton' contrary to the prohibition, etc., and whereon Drogo and Alice, by their attorney, say that when they produced the prohibition of our lord the King in the church . . . . on Saturday in Easter week last past against the holding by the Archdeacon of the said plea in court christian touching the lay fee of them, Drogo and Alice, because they had made a distress for scutage owing to them in respect of one virgate of land . . . which Walter, parson of Stanton', held of the fee of Drogo and Alice in Staunton', by taking the cattle of him, Walter, for the said scutage, the Archdeacon by his

[1] Huntspill.

official on the same day, after he had received the prohibition, forthwith renewed the sentence . . . promulgated by order of the Archdeacon against Drogo and Alice and their men and denounced them as excommunicate in the whole of the archdeaconry; wherefore they say that they are injured, and have suffered damage to the value of 10 marks, and thereof they produce suit. The Archdeacon comes and defends the force and injury, etc., and positively defends against him [Drogo] and his suit that he, after the receipt of the prohibition, ever held in court christian any plea touching the lay fee of Drogo and Alice in Staunton', nor after the prohibition, on the occasion of any distress made for the said scutage, has he excommunicated them or renewed the sentence promulgated against them, and this he is ready to defend against him and his suit as the court shall consider. Therefore it is considered that he should wage his law to the twelfth hand, and come with his law to Bedford on the octave of St. Michael. Pledges for the law, Stephen de Lund' and Robert de Westminster, and the Archdeacon is prohibited in the meanwhile from vexing them for that cause.

Memb. 29.

1308. Henry de Monte forti offered himself on the fourth day against Roger, Bishop of Bath, on a plea that he [the Bishop] should be here to-day and have Master William de Leucenay to the said Henry on a plea why he prosecuted in court christian a plea touching the advowson of the church of Nuny which belongs to his free tenement in the same vill, contrary to the prohibition, etc. The Bishop did not come, etc., and he was summoned, etc. Judgment, let him be attached that he be at Bedford on the octave of St. Michael, because another day, etc. And because it is testified that the said Master William dwells within the diocese of Worcester, the same Bishop[1] is notified that he should cause him to come at the same time. And the sheriff of Somerset is notified, etc.

Memb. 34*d.*

Essoins *de malo veniendi* on the quindene of the Apostles Peter and Paul.

[1] "*Eidem Episcopo*": the Bishop of Worcester is meant. There is "*Wigorn*'" in the margin.

Essoins *de malo veniendi* taken in three weeks after the nativity of St. John Baptist.

1309. William de Bere, the attorney of John le Daneys and Rose his wife, of Master Roger de Marisco, Thomas de Langelonde, Thomas le Riche, Robert son of Matilda, John Eglawy, John Rusell and Margery his wife, of William de Gaunt and Emeline his wife, against Muriel, formerly the wife of Robert de Sancta Barba, on a plea of dower by William son of Simon. William de Horsey, the other attorney, against the same upon the same by Richard de Alre. On the quindene of St. Michael at Bedford. They have pledged their faith. The same day is given to Robert de Sancta Barba, whom the said Thomas and the others vouched to warranty, etc., *in banco*.[1] Let Robert son of Robert de Sancta Barba, the warrantor, be required to present himself (*exigatur*).[2]

Memb. 35.

Essoins *de malo veniendi* taken one month after the day of the nativity of St. John Baptist.

1310. Robert de Gurnay, whom the Bishop of Bath vouched to warranty against Robert Waleraund and Denise his wife on a plea of land by Walter le Moser. In one month from St. Michael's day at Neuport Paynel. He has pledged his faith.

1311. Andrew Luterel against the same by Henry Sprot. He has pledged his faith. The same day is given to the Bishop of Bath by his attorney *in banco*.

ROLL No. 4. (BEDFORDSHIRE.)

This is a roll of 35 membranes of the Bedfordshire eyre of Roger de Thurkelby in 1247. The membranes appear to be somewhat out of regular sequence. The Somerset entries amongst the forinsec pleas have been extracted. Memb. 21 has no title. Memb. 20 contains pleas taken at Dunstable, which are concluded on memb. 20*d*. Memb. 21 seems to be out of place. Membs. 22, 23, and 24 are also devoted to forinsec pleas, etc. Memb. 25 takes up again the local business of the eyre.

[1] The margin has the note "*post vis' de Joh' et Roes'*," = after view by John and Rose; also "*ve ÷ de aliis.*"

[2] This last sentence seems to be a postscript.

Memb. 1.

1312. Richard, Bishop of Wells, against Michael, Abbot of Glastingbir, on a plea of advowson and on a plea of land by John the Nuncio. John, Dean of Wells, and the chapter of the same place against the same by Walter de Well'. (This entry is struck out.)

1313. Alexander le Combe against Constance, formerly the wife of William de Lokesworth', on a plea of dower, by John de Cern'. On the quindene of St. Michael, for dower. He has pledged his faith. Constance puts in her place Richard her son.[1]

Memb. 1*d.*

Essoins *de malo veniendi* taken at the same time.[2]

1314. Henry de Monte Forti, the attorney of Drogo de Staunton and Alice his wife, against Master Nicholas Teshun, Archdeacon of Bath, on a plea of wager of law by William de Warr'. Richard de Staunton, the other attorney, against the same in respect of the same by William Marescall'. On the morrow of All Souls at Neuport Painel.

Memb. 2.

Essoins *de malo veniendi*, etc., taken on the octave of St. Michael.

1315. Master Nicholas Tessun, Archdeacon of Bath, against Drogo de Stanton' and Alice his wife concerning wager of law, by Adam le Norreys.

Memb. 2*d.*

On the quindene of St. Michael.

1316. Robert de Sancta Barba, whom Roger de Marisco, Thomas de Langeland, Thomas le Riche, Robert son of Matilda, John Egglehof, John Russel and Margery his wife, William le Gaunt and Emelina his wife, vouched to warranty against Muriel, formerly the wife of Robert de Sancta Barba on a plea of dower, by Robert de Cuntevill'. On the octave

[1] In the margin "*nō* ÷" = *non est*. See Nos. 1321 and 1329, same case.

[2] This appears from a previous heading on the same memb. to be on the octave of Michaelmas.

of St. Martin, at Wycumb'. He has pledged his faith.[1] The same day is given to the aforesaid Roger and all the others, except William le Gant and Emelina his wife, by their attorney *in banco ;* and William and Emelina did not come, as appears in the plea.[2] Roger and the others put in their place the before-named de Langeland.[3]

Memb. 4*a.*

Pleas and assizes in the county of Bedford, on the morrow of St. Michael, in the thirty-first year of the reign of King Henry, son of King John, before R. de Thurkileby and his companions.

Memb. 11.

1317. William de Greynvill' puts in his place Reginald le Irreys against Master Henry le Petit and others named in the writ of prohibition, etc.[4]

Memb. 21.

1318. Muriel, formerly the wife of Robert de Sancta Barba, by her attorney, seeks against John le Deneys and Roesia his wife one-third part of sixty acres of land, with the appurtenances, in Hunspill' as her dower, etc. John and Roesia, by their attorney, come and vouch to warranty Robert son of Robert de Sancta Barba. Let them have him on the octave of St. Martin at Wicumbe by aid of the court.

1319. Muriel, formerly the wife of Robert de Sancta Barba, offers herself on the fourth day against William le Gaunt and Emelina his wife on a plea of one-third part of one messuage and nine acres of land, with the appurtenances, in Est Brente, which she claims in dower against them. William and Emelina do not come, and they were summoned, etc. Judgment, let the said third part be taken into the hand of our lord the King.[5] And a day, etc., and they are summoned to be at Wicumb' on the octave of St. Martin.

[1] In the margin is the note "*ve ÷*."
[2] See No. 1319.
[3] See further as to these cases in the next following roll.
[4] The margin has "Exon" as well as "Sumꝺs."
[5] Because of William and Emelina's default in appearing. See No. 1332.

Memb. 21*d.*

1320. Alice, formerly the wife of Robert le Taylur, offers herself on the fourth day against Walter Russel on a plea of one-third part of sixteen acres of land and one messuage, with the appurtenances, in Bernardeswrth', which she claims against them as her dower. Walter does not come, and he was summoned, etc. Judgment, let the said third part be taken into the hand of our lord the King. And a day, etc. And he is summoned to be at Wicumb' on the octave of St. Martin.

Memb. 22*d.*

1321. Constance, formerly the wife of William de Lekeswurth', seeks against Alexander le Camber' one messuage, with the appurtenances, in Brug Walteri[1] as her dower, etc., and whereof by name, etc.[2] Alexander comes and demands a view. Let him have it. A day is given them on the octave of St. Martin, and in the meantime [let the view be had].

Memb. 23*d.*

1322. Christiana, formerly the wife of Nicholas Atteber', seeks against Master Walter de Sancto Quintino one-third part of twenty-seven [acres of land], of one acre of meadow, of one acre of wood, and of one messuage, with the appurtenances, in Welleford' as her dower, etc. with which the said Nicholas, formerly her husband, endowed her, etc. Master Walter comes and says that she ought not to have dower therein because, he says, Nicholas never held the said land, meadow, wood, and house in his demesne so as to be able to endow her thereout. He says that the land, meadow, wood, and house are the right of his church of Wynerton, and that Nicholas did not hold those tenements otherwise than by the demise of a certain vicar of his of his church, Michael by name, and that he [Nicholas] held them at the will of the vicar. Christiana says that Nicholas held the tenements in fee, and that he endowed her thereout, etc., and on this she puts herself upon the country. Master Walter does likewise. The sheriff is therefore ordered that he should cause

[1] Bridgwater. In the margin against this entry we have again "÷"

[2] Meaning that her husband had endowed her of this particular property. See Bract., fo. 299b.

to come before him twelve, etc., and who now, etc., and by their, etc., to recognise, etc., whether the aforesaid Nicholas, formerly her husband, held the land, meadow, wood, and house in fee so that he was able to endow her thereout as Christiana says, or whether he did not hold them at the will of the said Michael his vicar, as Master Walter says; and that he should make known [the finding of] the inquest at Wycumbe on the octave of St. Martin in writing (*per litteras, etc.*) and by two, etc. [knights] because, etc.,[1]—— And Master Walter puts in his place Peter the Dean or William Russell. On that day the [finding of the] inquest came, which is that Nicholas never held the said land, wood, and meadow[2] otherwise than at the will and by the demise of the said Michael, the vicar. Therefore it is considered that the Master [may go] without a day, and that Christiana should take nothing by that writ, but should be in mercy for her false claim. She is a pauper.

Memb. 24.

1323. Master Henry of Bath was attached to answer William de Greynvill' on a plea why he sued in court christian touching chattels which are not testamentary or matrimonial (*que non sunt de testamento vel matrimonio*), contrary to the prohibition of our lord the King, and wherein William says that Master Henry impleaded him in court christian before the Archdeacon of Gloucester in the church of the Blessed Mary in Oxford, and sought from him 8 marks, which were not testamentary, etc., and that when he produced the prohibition of our lord the King on the morrow of the Purification of the Blessed Mary this year in the said church against the prosecution of the said plea, the same Master Henry nevertheless prosecuted the said plea, contrary to the prohibition, wherefore he says that he was injured, and incurred damage to the value, etc. Master Henry comes and defends the force and injury, etc., and says that he has not impleaded him in court christian of any lay chattels (*de aliquibus laycis catallis*) against the prohibition of our lord the King, and he fully defends against him and his [William's] sole voice (*solam*

[1] Meaning that the parties have put themselves upon such a jury. See as to these inquests, Bract., fo. 397–397b.

[2] Nothing is said of the house, but this was probably an omission by the clerk who made the entry on the roll.

vocem suam). And because he[1] produces no suit beyond his simple statement, it is considered that Henry [may go] without a day, and William is in mercy by pledge of William de Cobbeham.

Memb. 25.

1324. William de Langeford offered himself on the fourth day against Margery Flury on a plea of eight acres of land and of one-third part of one messuage, with the appurtenances, in Langeford, which she claims against him as her right and marriage portion. Margery does not come, and she was claimant (*et fuit petens*). Therefore William [may go] without a day, and Margery is in mercy. She has not found pledges, etc.[2]

Memb. 25*d.*

1325. William de Warr', essoiner of Henry de Monte Forti, the attorney of Drogo de Staunton and Alice his wife, offers himself on the fourth day against Nicholas Thesun, Archdeacon of Bath, on a plea of wager of law against Drogo and Alice concerning their lay fee contrary, etc., and Nicholas does not come, etc. He had a day *in banco* to this day, after which he waged his law (*post quam vadiavit legem suam*), and he found these pledges, to wit, Robert de Weston' and Stephen de Lund to make his law (*ad faciendam legem suam*). Therefore it is considered that Nicholas and his pledges to prosecute are in mercy. Let him satisfy Drogo and Alice their damages, which are taxed (*que taxantur*) at .[3] The Sheriff is ordered that of [the Archdeacon's] lands and chattels, etc., *fi. fac.*, etc.

ROLL No. 56. (BUCKINGHAMSHIRE.)

This is the roll of the eyre of 31–32 Henry III. (1247), before Roger de Thurkelby. The roll comprises 47 membranes.

[1] The entry is careless here. Judging by the result, "he" must refer to William. There is no statement earlier in the plea that William produced suit in support of his statement as he ought to have done, and therefore Henry did not deem it necessary to meet it by suit on his side. There is a marginal note that William is to be in custody. No doubt his pledge came later and was accepted.

[2] Pledges to prosecute that is, beyond her own "faith" or undertaking.

[3] Blank in original.

Memb. 1.

Essoins *de malo veniendi* taken at Neuport Paynel on Wednesday next after the festival of St. Luke.

Essoins *de malo veniendi* taken at Neuport Paynel in one month after Michaelmas. (This is lower down on the same membrane.)

1326. Henry de Erle against Henry de Gaunt on a plea of covenant by Osbert de Bruera.

Essoins *de malo veniendi* taken at Neuport Paynell in one month from St. Michael's day.

1327. Jollanus de Cureford, attorney of R. Bishop of Bath, against Robert Walraund and Denise his wife on a plea of dower, by John le Messager. On the quindene of St. Martin at Wicumbe, by pledge of Stephen . . . .

1328. William de Bonevill', the other attorney, against the same upon the same, by John le Leu by the same pledge. The same day is given to Robert de Gurnay, whom the Bishop vouches to warranty, by his attorney *in banco*. And be it known that Ma . . . s [Matthew?] the Norman is the attorney of Robert de Gurnay by writ of our lord the King. [The same day is given to the said Andrew *in banco*.[1] (This much is a postscript).]

Memb. 2.

Essoins *de malo veniendi* taken at Neuport Paynel on the morrow of St. Martin.

Memb. 3.

1329. Alexander de Comber against Custancia, formerly the wife of William de Lekewrth', on a plea of dower, by Walter de Howys. On the quindene of Easter at Gloucester. He has pledged his faith.[2]

1330. Robert de Wyttlakeford', attorney of Robert Waleraund[3] and Denise his wife, against the Bishop of Bath on a

[1] In the margin is a note which reads thus:—"ex^{r} Rob̄ de G^{o}nay wař ꝑ And̄ Luterell." I think the explanation is this: Robert's name was first written as warrantor; then it was found that Andrew was in a similar position (see memb. 3), so his name was added and a caret mark put after Gurnay. The "ex^{r}" appears against many entries: it stands for *exigantur* or *exigatur* I think.

[2] In the margin "*post visum.*" See Nos. 1313 and 1358.

[3] Over Robert Walerund's name is written *pet'* = *petens*.

plea of dower, by William de Napton'. In three weeks after Hilary at Lychef'. He has pledged his faith. The same day is given to Andrew Luterel, whom the Bishop vouched to warranty against the said Robert and Denise *in banco*, and then will be allowed (*tunc allocabitur*) to the Bishop the default which Robert de Gurnay, the co-party (*particeps*) of Andrew, made, etc. And Andrew puts in his place Robert de Cusingham.

Memb. 3*d.*

1331. Matthew le Franceys against the Bishop of Bath on a plea of warranty, by Walter le . . . . .

Memb. 5.

Pleas and assizes in the county of Buckingham on Wednesday next before the feast of the Apostles Simon and Jude[1] at Neuport Painel, before R. de Thurkelby and his companions, in the thirty-first and beginning of the thirty-second year of the reign of King Henry, son of King John.

Memb. 25.

Pleas of divers counties at Neuport Paynel.

Memb. 32.

1332. Muriel, formerly the wife of Robert de Sancta Barba, by her attorney, offers herself on the fourth day against William le Gaunt and Emelina his wife on a plea of one-third part of one messuage and nine acres of land, with the appurtenances, in Estbrente, which she claims in dower against them. They do not come, and they have made default otherwise, to wit, on the quindene of St. Michael at Bedford, so that the sheriff was ordered that he should take the said one-third part into the hand of our lord the King, and that the day, etc. And the sheriff notified the day of taking. And they were summoned etc.[2] Therefore it is considered that Muriel should recover her seisin by default, and William is in mercy.

[1] The day of the Saints was the 28th October, the first day of the King's regnal year.

[2] The process to enforce attendance was, roughly speaking, this: If the defendant failed to attend after three summonses or to essoin himself, the land might be taken into the King's hand. If then the defendant did not appear and replevy the land

1333. The same Muriel, by her attorney, seeks against Thomas de Langelond one-third part of twenty acres, with the appurtenances, in Subrente, and against Thomas le Rich one-third part of one messuage and thirteen acres of land, with the appurtenances, in the same vill, and against Robert son of Matilda one-third part of one messuage and eight acres of land, with the appurtenances, in the same vill, and against Master Roger the official one-third part of sixteen acres of meadow, with the appurtenances, in the same vill, and against John Eglof one-third part of one messuage and eight acres of land and one acre of meadow, with the appurtenances, in the same vill, and against John Russell and Margery his wife one-third part of one messuage and twenty acres, with the appurtenances, in Estbrente, and against William le Gaunt and Emelina his wife one-third part of one messuage and nine acres of land, with the appurtenances, in the same vill as her dower, etc. Thomas and all the others come and vouch to warranty Robert son of Robert de Sancta Barba, who comes by summons and warrants them, and by licence yields to her the said third parts as her dower. Therefore let the said Thomas and the others hold in peace, and let Muriel have of the land of Robert to the value, etc.

Memb. 32*d.*

1334. Muriel, formerly the wife of Robert de Sancta Barba, by her attorney, offers herself on the fourth day against Robert de Cuntevill' and Nicholas de Cuntevill' on a plea that they should restore to her chattels to the value of £10 which they owe her, etc. They do not come, etc., and they were summoned, etc. Judgment: let them be attached that they be at Lichefeld in one month after Hilary, etc.

Memb. 34.

1335. Drogo de Staunton and Alice his wife, by their attorney, offer themselves on the fourth day against Walter, the parson of

within fifteen days, the suit proceeded in default. The writ to the sheriff was the great or the little *cape*. The former applied when a person made default before appearance in court or appointment of an attorney ; the latter for default after appearance. This is, however, only a very general statement, for this method of procedure was overlaid with much learning and technicality. The forms of the two writs are given in Bracton, fos. 365 and 371b. These forms differ in that, in the latter case the sheriff is not ordered to certify the day of caption to the justices, but the omission may not be intentional. In the case before us the great *cape* would seem to have been used. No. 1369 is a case of replevin after such process.

Staunton, on a plea that he should pay them (*quod redderet eis*) 20*s.* in respect of a fine between them levied before the justices at Norht',[1] and which he ought to have paid to them on the festival of St. Michael in the thirty-first year, and has not yet paid, etc. The sheriff was ordered that he should levy the said money on the lands and chattels of the said Walter, and that he should have it this day to pay, etc. and the sheriff has certified that Walter is a clerk, and has nothing in his [the sheriff's] county upon which he could levy for the money. Therefore the Bishop of Wells is ordered that he should have the said Walter at Lichefeld in one month after Hilary to pay, etc.

ROLL No. 81. (CAMBRIDGESHIRE.)

This roll would seem to be the part of the record of the Cambridge proceedings relating to matters from other counties. It is wholly devoted to forinsec pleas and essoins. On memb. 1 there are some entries of essoins to which, contrary to the usual practice, no county name is prefixed. They have not been extracted, although from the names of the parties in some an inference might be drawn that these particular matters related to the county of Somerset. The date of the roll is about Michaelmas, 1247.

Memb. 1.

Essoins *de malo lecti* taken at Cambridge on the morrow of St. Michael, in the thirty-first year, before H[enry] of Bath and his companions, justices in eyre.

Essoins *de malo veniendi* taken at the same time.

1336. Henry de Thomele, attorney of the Prioress of Stodlegh, against Joan de Sumery on a plea of dower, by Richard Berreyt. On the morrow of St. Martin before the justices at Huntingdon. He has pledged his faith.[2]

Memb. 1*d.*

Essoins *de malo veniendi* taken at Cambridge on the octave of St. Michael.

[1] Northampton.

[2] This entry has a marginal note "*post visum.*" The Prior had probably claimed a view: "*post visum petitum jacebit essonium sicut in aliis placitis.*" Bract., fo. 297.

Memb. 2.

Essoins *de malo veniendi* taken at Cambridge on the quindene of St. Michael.

Memb. 3.

Quindene of St. Michael, continued.

1337. Robert de Columbariis against John le Rus on a plea of land, by Geoffry Russel. On the octave of St. Martin at Huntingdon.[1]

1338. John de Molendinis, attorney of William de Bikeley, against John de Burg' on a plea of estovers, by Henry de Gaddel.

Memb. 6.

Pleas at Cambridge from various forinsec counties, on the octave of St. Michael, in the thirty-first year of the reign of King [Henry], son of King John, and the beginning of the thirty-second [year],[2] before H[enry] of Bath and his companions, justices.

1339. Agnes, formerly the wife of Robert the Goldsmith, by her attorney, offered herself on the fourth day against Master Thomas Ashwy, guardian of the lands and heir of Nicholas son of Jordan, on a plea that he should observe to her the fine levied in the court of the King before the justices at Westminster between the said Robert and Agnes, demandants, and the said Nicholas, deforciant, of one-third part of the manor of Rolveston', with the appurtenances, and 100*s.* of rent, with the appurtenances, in the same manor, the chirograph of which, etc. Master Thomas did not come, etc., and he was attached by Nicholas Coppe of Rolveston (*sic*) and John son of Vincent. Therefore he is in mercy. The sheriff is ordered that he should distrain him by his lands, etc., so that [the sheriff] should have his body before the justices at Huntingdon on the morrow of St. Martin.

Memb. 18*d.*

Further of the quindene of St. Michael and of the third week.

1340. Walter de Materdon' and Cecily his wife give 1 mark

[1] This also has "*post visum*" in the margin.
[2] The regnal year of Henry III. began on the 28th October.

for a licence to agree with Robert Ceriti on a plea of dower. Let them have the chirograph, etc. By pledge of Robert himself.

ROLL No. 342. (HUNTINGDONSHIRE.)

This roll, consisting of nine membranes, is devoted to so much of the proceedings at Huntingdon, before Henry of Bath, as relates to other counties. It contains pleas and essoins. The justices were at Huntingdon on the morrow of All Souls, 3 Nov., 1247.

Memb. 1.

Pleas of divers forinsec counties at Huntindon on the morrow of All Souls, before [Henry] of Bath and his companions, justices itinerant, in the thirty-second year of the reign of King Henry, son of King John.

Memb. 1*d.*

Pleas on the morrow of St. Martin and All Souls.

1341. Agnes, formerly the wife of Robert the Goldsmith (*aurifabri*), by her attorney, offered herself on the fourth day against Master Thomas de Assewy, guardian of the land and heir of Nicholas son of Jordan, on a plea that he should observe a fine levied in the court of the King before the justices at Westminster, between the said Robert and Agnes, querents, and the said Nicholas, deforciant, of one-third part of the manor of Bolveston (*sic*), with the appurtenances, and 100*s.* of rent, with the appurtenances, in the same manor, whereof the chirograph, etc. Thomas did not come, etc. The sheriff was ordered that he should distrain him by his lands, etc., so that he should have his body [here] this day, and the sheriff has done nothing therein nor sent the writ. Therefore the sheriff is ordered, as he [was ordered] elsewhere, that he should distrain him by all his lands, etc., so that he should have his body at Chelmerford on the morrow of St. Hilary, etc. and let the sheriff be [there] to hear his judgment, etc.[1]

[1] See this case, No. 1339.

Memb. 3.

1342. Joan,[1] formerly the wife of Godfrey de Crawecumb', by her attorney, offered herself on the fourth day against the Prioress of Stodleg' on a plea of one-third part of the manor of Crawecumb', with the appurtenances, which she claims in dower against her, etc. The Prioress did not come, and she had this day by her essoin after she had appeared in court and prayed a view of the land. Judgment: let the said third part be taken into the hand of our lord the King, and let her be summoned that she be at Chelmerford in three weeks after Hilary to hear her judgment, etc.[2]

Memb. 5*d.*

1343. The sheriff was ordered that he should summon John le Harpur that he should be [here] this day to hear the record and his judgment in the dispute which was before the justices at Westminster between Matilda, formerly the wife of Ranulph Grubbe, claimant, and the said John, tenant, of one-third part of one messuage and ten acres of land, with the appurtenances, in Eggewyk', which she claims in dower against him, etc., and that he should summon Peter de la Mare that he should be [here] on the same day to warrant John, etc., or to show, etc., so that the said dispute should be here in the same state in which it was when it was adjourned (*atterminata fuit*) to be before the justices at the first assize, etc. (*ad primam assisam*),[3] etc., and the sheriff has done nothing therein, nor sent the writ. Therefore, as before, the sheriff is ordered that he should summon the said John that he should be at Chelmerford on the octave of St. Hilary to hear the record and his judgment, etc., and that he should summon the said Peter to warrant, etc. in the form aforesaid, and so let the sheriff be [there] to hear his judgment, etc.[4]

Memb. 8*d.*

Essoins *de malo lecti* taken at Huntedon' on the octave of St. Martin.

1344. Robert de Columbariis, at Caundel in the county of

[1] She is elsewhere called "Joan de Sumery." See No. 1336.
[2] In the margin is "$\div$". This is the common form of *est*.
[3] This is one of the several varying uses of the word *assisa*.
[4] See No. 1349.

Dorset against John le Rus, on a plea of land in the county of Somerset, by Philip le Cornwaleys and Hugh le Sarmuner. If not,[1] on the octave of the Purification of the Blessed Mary, at Chelmerford.

ROLL No. 318. (HERTFORDSHIRE.)

The date of this roll is A.D. 1248. See also the next following roll.

Memb. 1.

Roll of Attorneys.

1345. Thomas, parson of the church of Stoke Gunner,[2] puts in his place William de Heyles against Godfrey de Wamberge, Prior of Goldclyve, on a plea of rent, etc.

Memb. 2.

Pleas of juries and assizes at Herteford before H[enry] of Bath and his companions on the morrow of the Sunday after Easter, in the thirty-second year the of reign of King Henry, son of King John.

ROLL No. 319. (HERTFORDSHIRE.)

The date of this roll is about Easter, 1248. It comprises essoins and forinsec pleas only.

Memb. 1.

Essoins *de malo lecti* from divers forinsec counties, taken at Herteford on the morrow of the Sunday after Easter (*clausum Pasche*), in the thirty-second year of the reign of King Henry, son of King John.

Memb. 1*d*.

Essoins *de malo lecti* taken at Herteford on the quindene of Easter, in the thirty-second year.

Essoins *de malo veniendi* taken at the same time.

[1] I take this to mean if he be not confined to his bed so that he cannot have the usual extension of a year and a day. There is a marginal note "*h't*" = *habet*, and we see in No. 1347 that he made good his claim to an essoin *de malo lecti*.

[2] Stogumber.

Memb. 2.

1346. Richard de Welkestede, the attorney of Master Thomas Aswy, against Agnes de Bristoll' on a plea of dower and on a plea of fine levied, by Richard le Duck.

William de Sumercot, the other attorney, against the same, by William le Mauveys.

Memb. 6.

Pleas of divers forinsec counties on the morrow of the Sunday after Easter at Herteford, before H[enry] of Bath and his companions, justices, in the thirty-second year of King Henry, son of King John.

1347. Robert de Lond', Thomas de Gosle, Adam de W'deton, and Henry de Codinton, four knights sent to Candel in the county of Dorset to Robert de Columbariis, to see whether the infirmity for which he was essoined *de malo lecti* against John le Rus on a plea of land in the county of Somerset be bed-sickness or not, come and say that they saw him sick in bed (*languidum*) on the day of St. Agatha the virgin, in the thirty-second year, and that they gave him a day at the Tower of London in one year and one day from the day of seeing him, etc.[1]

Memb. 10.

1348. The Abbot of Alenny was summoned to answer Geoffry de W'lmarston' on a plea that he should observe a covenant made between them concerning twelve acres of land, with the appurtenances, in Scotmor, etc. wherein Geoffry complains that while the covenant between him and the abbot that he, Geoffry, might close and appropriate to himself the whole of a certain alder-grove in the said moor, saving to the abbot twelve acres in the moor next the meadow of the abbot, but so that if the abbot should make any purpresture in the said moor, that purpresture should be allocated to the abbot in the said twelve acres, and that the whole of the residue of the moor should be equally divided between them, so that one-half the moor should remain to the abbot and the other half to Geoffry, the said abbot, contrary to the said covenant, has occupied fifteen

See No. 1376.

acres of the said moor beyond the said twelve acres and half the moor, etc. Afterwards a day is given them on the morrow of Trinity at Bermundseye on the prayer of the parties, and the abbot puts in his place Richard Travet or Crikere. And the abbot comes,[1] and they are agreed by leave. Let them have the chirograph, etc.

Memb. 12*d.*

1349. Matilda, formerly the wife of Ranulph Crabbe, seeks against Peter de la Mare, whom John le Harpur vouched to warranty and who warrants him, one-third part of one messuage and ten acres of land, with the appurtenances, in Eggewyk, as her dower, etc. Peter comes and says that John le Harpur, who vouched him to warranty against the said Matilda, is not in seisin of the said third part, for one Robert, parson of the church of St. James of Bath, holds it. But he says that in truth John was seised thereof when Matilda's writ was sought, and by leave he gave up to Matilda her said dower. Let her have her seisin, etc. He fully concedes that he should make up to Robert an equivalent in value, etc.

Memb. 16.

1350. Joan, formerly the wife of Godfrey de Crauwecumbe, by her attorney, seeks against William de Iderneston one-third part of the manor of Corf, with the appurtenances, as her dower, etc. William came elsewhere, and vouched to warranty the Prioress of Stodleg, who now, by summons, etc. warrants him and by licence gives up to her her dower. And because the Prioress has land of the said Godfrey, formerly Joan's husband, William may hold in peace; and let Joan have of the land of the Prioress to the value, etc. And because the Prioress has no land in the county of Wilton,[2] but [has] in the county of Somerset, to wit, in Crauecumbe, the sheriff of Wiltshire is ordered that he should make an extent and valuation of the said land, and the extent, etc., should be certified by him on the morrow of Trinity at Bermund'. Then let Joan have of the land of the Prioress in the said vill to the value, etc., in the form aforesaid, etc. After-

[1] This is no doubt a postscript. See No. 1354, etc.
[2] The margin has both Wiltshire and Somerset.

wards, on that day, the sheriff sent the extent,[1] which says that the whole of the said land is worth per annum £18 8*s.* and one pound of pepper. Therefore the sheriff of Somerset is ordered that without delay he should assign to John of the land of the Prioress in the county of Somerset, to wit, at Craucumbe to the value of one-third part of the said lands.

Memb. 18.

1351. William de Bolevill' and Ela his wife, by their attorney, offer themselves on the fourth day against Elyas Belde on a plea that he should perform to them the customary and rustic services which he ought to do in respect of the free tenement which he holds of them in Middelsowey, etc. Elyas does not come, etc. He had this day by his essoin. Judgment: let him be attached that he be at the next coming of the justices, etc.

ROLL No. 996. (WILTSHIRE.)

From an entry at the foot of memb. 3*d.* we find that the justices were to be at Wilton on the morrow of Trinity. The date of this roll is therefore the summer of A.D. 1249.

Memb. 1.

Pleas of juries and assizes at Wylton' in the county of Wiltes' on the eyre of H[enry] of Bath and his companions, justices itinerant, in the thirty-third year of the reign of King Henry, son of King John.

Memb. 22.

Roll of attorneys at Wylton as well of forinsec counties as of the county of Wilt'.

1352. Master Carinus, Archdeacon of Taunton', puts in his place William Russel against Christiana de la Bere, on a plea of dower, etc.

[1] This must have been added after the sitting at Bermondsey.

ROLL No. 871. (SURREY.)

This is a roll of essoins and forinsec pleas only. They were taken in the county of Surrey after Easter in 1248.

Memb. 3.

Pleas of divers forinsec counties before H[enry] of Bath and his companions, justices itinerant, at Bermundes' in five weeks after Easter, in the thirty-second year.[1]

1353. Master Thomas Aswy, guardian of the land and heir of Nicholas son of Jordan, was attached to answer Agnes, formerly the wife of Robert the Goldsmith, on a plea that he should observe to her a fine[2] levied in the court of our lord the King at Westminster between them, Robert and Agnes, querents, and the said Nicholas, deforciant, of one-third part of the manor of Rolueston', with the appurtenances, and 100*s.* of rent, with the appurtenances, in the same manor, of which the chirograph, etc., and wherein she complains that while, by the fine aforesaid, she ought to have in every year £10 from the said heir for one-third part of the said manor for the whole of her life in the name of dower, the said Master, the guardian of the said heir, now for two years agone has detained from her the said annual rent, so that there are in arrear £20, which she says are detained from her, and she has [suffered] damage to the value of £30, etc. Master Thomas comes, and they are agreed by licence. The agreement is such that the said Master Thomas grants that he will pay to the said Agnes during the whole of her life in every year the said £10 for the third part of the said manor at the times contained in the aforesaid fine, and for her arrears he grants to Agnes the whole of the next autumn crop (*totam vestituram autumpni proximo futuri*), to be taken by the hand of Agnes, and all profits (*fructus*), rents, and issues coming from the said manor until next Easter, to wit, in the thirty-third year, to be taken by the hands of four good men (*proborum hominum*) of the same vill; but so that if in the mean-time any woman should die holding any tenement in the same

[1] On memb. 1 a like heading concludes thus: "in five weeks after Easter in the thirty-second year of the reign of King Henry, son of King John."

[2] This fine was levied at Westminster in 21 Hen. III. It is to be found in "Som. Fines," p. 102, No. 16.

vill in dower, that [tenement] should remain to the said Master Thomas ; and in the meantime the said Master Thomas shall be quit of payment of the said £10, and after the aforesaid time the said Master Thomas shall have again the whole of the said manor, with its appurtenances, paying thereout yearly for the third[1] part of the same manor the said £10 as is aforesaid, etc.

Memb. 4*d.*

Continuation of forinsec counties on the morrow of Trinity.

1354. A day is given to Geoffry de Wolmerston, querent, and Robert, abbot of Alegn', touching the taking of his chirograph of twelve acres of land, with the appurtenances, in Stokemore, on the morrow of All Souls at Lewes in the county of Sussex. And be it known that it is noted in the file (*ligula*) of notes,[2] etc.

ROLL No. 273. (GLOUCESTERSHIRE.)

A roll of Gloucester pleas with *placita forinseca.* The portion of the roll, from memb. 29, devoted to them was formerly a separate roll, which bore the reference "Coram Rege Roll, No. 71." In the previous portion of the roll, however, on memb. 21, there is a solitary Somerset plea, which has been extracted below. On the same membrane there are some other entries which bear no county name. As they are not clearly identified, they are not included here. The date of the roll is A.D. 1248.

Memb. 1.

Pleas and assizes taken at Gloucester on the quindene of Easter, in the thirty-second year of the reign of King Henry, son of King John, before Roger de Thurkelby and his companions.

Memb. 21.

1355. Maurice de Salco Marisco and Joan his wife offered themselves on the fourth day against Eborard, chamberlain of

[1] The roll has "*pro tota parte ejusdem manerii*," which I think is a clerical error.
[2] That is, on the file of notes of fines.

the Abbot of Keynsham, Jordan, lay brother of the Abbot William the cook, Nicholas Tunesende, William Wildrigal, Walter Kene, Henry the fisherman, Adam Gent, Nigel the fisherman, Simon the baker, Adam of the Brewhouse (*de la Bracerie*), John Lacy, Robert de Budicumb', Adam del Ostel, John Brun, Peter Hunderhil, Andrew de Foute, Richard le Messer,[1] Richard Criket, Ranulph the reeve, Robert Oldefel, Luke the tailor (*cissorem*), and Richard le Blund on a plea why, by force and arms, they threw down a certain weir (*gurgitem*) in Bicton to the injury of the free tenement of Maurice and Joan in the same vill, and wounded certain of their men against the peace of our lord the King, etc. Eborard and the others do not come. They were attached by Payn de Meresfeld, Alvred de Meresfeld, William de Hokford', and Adam de la Dune. Judgment: let them be put under better pledges that they be at Ivelcestr' on the first assize, etc. And the first [pledges], etc.

Memb. 29.

Pleas of assize of divers counties at Gloucester, before Roger de Thurkelby and his companions, in the thirty-second year of Henry III.

1356. Cecily, formerly the wife of Hugh de Laplache, puts in her place Richard de Langhas against Walter de Dre and Julia his wife and others in the writ [named] on a plea of dower, etc.[2]

Memb. 30.

1357. Richerus de Wytewell' puts in his place Robert de Calvesdon, or Ralph de Helesdon', against Thomas de Cyrncestr' on a plea of covenant.

Memb. 32*d.*

1358. Custancia, formerly the wife of William de Leches-wurth', seeks against Alexander le Camber one messuage, with the appurtenances, in Brigewauter, wherewith the said William, formerly her husband, endowed her at the church door, etc. Alexander comes and vouches to warranty Robert Fromund.

[1] As to this name, see *ante*, note to No. 771.

[2] See further as to this case, No. 1360. Walter is here called "de Dre"; in No. 1360 he is "Tery."

Let him have him [Robert] at Radinges[1] on the quindene of Trinity by help of the court, etc.[2]

Memb. 33.

1359. Matilda, formerly the wife of William son of Alan, offered herself on the fourth day against Walter Cole on a plea of one-third part of half a virgate of land, with the appurtenances, in Eston, which she claims as her dower, etc. Walter did not come, and he was summoned, etc. Judgment: let the third part be taken into the hand of our lord the King, and the day, etc.,[3] and let him be summoned that he be at Reading on the octave of Trinity, etc.

Memb. 34.

1359*a*. Simon de Raleg', by his attorney, offered himself on the fourth day against John de Yatton on a plea that he should permit him [Simon] to present a fit person to the church of Claverham, which is vacant and is in his gift, etc. John did not come, and he was summoned, etc. Judgment: let him be attached that he be at Gloucester on Tuesday next after Ascension Day.[4]

Memb. 35.

1360. Cecily, formerly the wife of Hugh de la Plesse, offered herself on the fourth day against Walter Tery and Juliana his wife on a plea of one-third part of two virgates of land, with the appurtenances, in Culeford, and against Robert Boye and Agnes his wife on a plea of one-third part of two parts of half a virgate of land, with the appurtenances, in La Yurde, which third parts she claims in dower against them. They did not come, and they were summoned. Judgment: the aforesaid —— (*Here the entry—the whole of which is struck out, ends—and in the margin is the reason:* "Vacated because they had a day by their essoins."[5])

[1] Reading. In the margin is a note, which also occurs frequently elsewhere, "÷" This is usually equivalent to "*est*," but I cannot explain its significance here.

[2] See No. 1329.

[3] The day of taking that is, which has to be notified. This case also has the marginal "÷" and the word "*Berk'*." See No. 1364.

[4] See No. 1361.

[5] See Nos. 1356, 1367.

Memb. 40.

1361. Simon de Raleg', by his attorney, offered himself on the fourth day against John de Yatton on a plea that he [John] should permit him to present a fit person to the church of Claverham, which is vacant and is in his gift, etc. John did not come, and the sheriff was ordered that he should attach him that he should be here to-day, etc. The sheriff has certified that [John] has no lay fee in his bailliwick by which, etc. Therefore the official of the Bishop of Bath is ordered that he should cause [John] to come to Rading on the quindene of St. John the Baptist.[1]

1362. The dispute between Roger|de Berkhamested, querent, and John Tyke and Margery his wife, and many others in the writ [named], on a plea why, by force and arms, etc. is put in respite until the quindene of St. Michael, at Hereford, because the said John, the husband of Margery, was in Ireland before the writ was sought, and has not yet returned.

ROLL No. 39. (BERKSHIRE.)

This is evidently part of a larger roll. The membrane now numbered 1 was formerly memb. 29. Memb. 2 was formerly memb. 21, and so on up to memb. 28 by the old numbering. It is a file of *placita forinseca* only. The date to be assigned to it is the summer of 1248.

Memb. 1.

Assizes at Rading,[2] before Roger de Thurkelby and his companions, in the thirty-second year of Henry III.

Memb. 2.

1363. Christiana Luvel puts in her place Robert de Marisco, or Peter de Mara, against Richard Luvel on a plea of fine levied and on a plea of debt.

[1] See No. 1359a.

[2] Reading

Memb. 3.

1364. Matilda, formerly the wife of William son of Alan, offered herself on the fourth day against Walter Cole on a plea of one-third part of half a virgate of land, with the appurtenances, in Eston', which she claims in dower against him. Walter did not come, and he made default elsewhere, to wit, before the justices at Gloucester on the quindene of Easter, so that the sheriff was ordered that he should take the said third part into the hand of our lord the King. And the day, etc. And the sheriff certified the day of taking and that he was summoned, etc. Therefore it is considered that Matilda should recover her seisin against him by default. And Walter is in mercy.[1]

Memb. 5.

1365. Philip de Knoll' offered himself on the fourth day against John le Sarazin, Dean of Wells, on a plea why he held a plea in court christian concerning the lay fee of him, Philip, in Knoll' contrary to, etc. John did not come, etc. He was attached by Walter de la Splotte and Robert Wydom. Therefore let him be put under better pledges that he be at Shrewsbury in one month after Michaelmas, and the first, etc.[2]

1366. Agnes, wife of Roger de Calemundesden, puts in her place Roger her husband against William le Bret on a plea of fine levied, etc.

Memb. 6.

1367. Cecily, formerly the wife of Hugh de la Plesse, by her attorney, offered herself on the fourth day against Robert Boye and Agnes his wife on a plea of one-third part of two parts of half a virgate of land, with the appurtenances, in La Yerde, which she claims in dower against him. Robert and Agnes did not come. They had a day by their essoin to this day. Judgment: let the said third part be taken into the hand of our lord the King. And the day, etc. And they are summoned that they be at Shrewsbury in five weeks from Michaelmas.

[1] See Nos 1359, 1369.

[2] This means that John's first pledges are to be there to be amerced for not producing him. See Bract., fo. 440.

Memb. 7d.

1368. Denise, formerly the wife of Thomas de Hadimer, seeks against Roger Attasle and Hawise his wife one-third part of two virgates of land, with the appurtenances, in Haddimer, as her dower, etc. Roger and Hawise come, and they are agreed. Roger gives ½ mark for a licence to agree by pledge of Robert fitz Payn, and the agreement is such that Denise releases to them the whole for 20*s.*, which they are to pay her on the festival of St. Peter ad vincula, in the thirty-second year, and if they do not it is conceded that they may be distrained.

Memb. 8.

1369. Thomas Cole, by Walter Aleyn, on Sunday, to wit, in three weeks after Trinity, seeks his land by plevin, etc., through the default which he made against Matilda, who was the wife of William Aleyn, etc. And he has, etc.[1]

Memb. 9.

1370. The same William de Tracy[2] offered himself on the fourth day against John the Dean, Henry the Treasurer, and William the Chancellor of Welles on a plea why they held pleas in court christian concerning chattels which were not, etc.,[3] contrary to, etc. They did not come. The sheriff was ordered that he should attach them, etc. And the sheriff certified that he notified the *custodes* of the Bishopric of Bath, who have done nothing. Therefore the sheriff is ordered that he should not omit, by reason of the liberty of the bishopric, to attach them to be at Shrewsbury on the morrow of St. Martin, etc.

Memb. 9d.

1371. Christiana Luvel, by her attorney, offered herself on the fourth day against Richard Luvel on a plea that he should observe to her the fine made in the court of our lord the King

[1] Here Thos. Cole seeks to replevin his land taken into the King's hand. See No. 1364 and note to No. 1332. The form of inrolment of such a claim is given in Bracton, fo. 365b.

[2] The previous entry on the roll relates to a claim by William in respect of property in Devon.

[3] See *ante*, No. 392.

before the justices itinerant at Yvelcestr', between Richard Cotel' and the said Christiana his wife, querents, and the said Richard, tenant, concerning the dower of Christiana in [1]Kary, Wykalton', and Pidecumbe,[1] with the appurtenances, and the advowson of the church of Kares, whereof the chirograph, etc. Richard did not come, etc. He was attached by William de Thorn and Hugh Wysdom of Kary. Therefore let him be put under better pledges that he be at Hereford on the quindene of St. Michael, and the first, etc.[2]

1372. The same Christiana, by her attorney, offered herself on the fourth day against the said Richard Luvel on a plea that he should pay her 100 marks which he owes her, etc. Richard did not come, etc. and he was summoned, etc. Judgment: attach him so that he be at Shrewsbury at the same time.

ROLL No. 777. (HAMPSHIRE.)

This roll of 32 membranes is calendared as containing the forinsec business at Winchester in 1248–9, Hilary, 33 Henry III. The description is, however, incomplete, for the roll comprises also a duplicate of forinsec business in Wiltshire after Easter. See Roll No. 997, *infra*.

Memb. 1.

Pleas of divers counties at Winchester in the county of Southampton on the eyre of H[enry] of Bath and his companions, justices itinerant, on the morrow of Hilary, in the thirty-third year of the reign of King Henry, son of King John.

Memb. 3.

Continuation of divers counties at Winchester on the octave and from the quindene of Hilary.

1373. Emma, formerly the wife of Philip de W'rth, offered herself on the fourth day against Alan de Forneus on a plea of one-third part of one messuage, thirty-five acres of land, and one acre of meadow, with the appurtenances, in Worth, which she

[1_1] Castle Cary, Wincanton, and Pitcombe.
[2] See note to No. 1365.

claims in dower against him, etc. Alan did not come, etc. The sheriff was ordered that he should summon him to be [here] this day, and the sheriff certified that Emma had not found pledges to prosecute. Upon this it is testified that she did find pledges, and that the sheriff, by favour towards her adversary, would not endorse (*indossare*) her pledges. Emma comes, and offers here to find security to prosecute by her faith (*per fidem suam*) because she is poor. Therefore the sheriff is ordered that he should summon him to be at Wilton in three weeks after Easter day.[1]

1374. Thomas de Perton offered himself on the fourth day against Hugh de Denepol' and Margery his wife on a plea that they should observe a covenant between them touching two carucates, with the appurtenances, in Denepol and Galumpton'. Hugh and Margery did not come, and they were summoned, etc. Judgment: attach them that they be at Wilton in one month after Easter day.[2]

Memb. 6.

Continuation of [pleas] of divers counties in three weeks after Hilary.

1375. Geoffry de Mandevill offered himself on the fourth day against Thomas de Breton on a plea that he should observe a covenant between them, made concerning two knights' fees, with the appurtenances, in Cherleton of Henry son of Richard, and of William son of Adam, etc. Thomas did not come, etc. and he had this day by his essoin. Judgment: attach him that he be at Wilton in three weeks after Easter.[3]

Memb. 8.

Continuation of [pleas] of forinsec counties in three weeks, and on the octave of St. Hilary.

1376. John le Rus sought, before the justices *in banco*, against Robert de Columbariis three carucates of land, with the appurtenances, in Lameyet as his right, and whereof one Robert, his ancestor, was seised in his demesne as of fee and of right in the time of King Henry, grandfather of our lord the King who

[1] See No. 1389. [2] Galmington in Wilton. See No. 1393
[3] Charlton Adam See No. 1386

now is, taking therefrom profits to the value, etc., and from him Robert, the right in that land descended to one Ralph, as son and heir, and from Ralph the right in that land descended to one Roger as son and heir, and from Roger to him, John, who now seeks, as son and heir, and that such is his right he offers, etc. The same Robert first essoined himself *de malo veniendi*, and afterwards *de malo lecti*. He was seen sick in bed (*languidus*) by four knights who were sent to him, to wit, on St. Agatha's day, in the thirty-second year,[1] and they gave him a day in one year and one day from the day of view at the Tower of London. In the following year the same Robert appeared at the Tower of London, to wit, on Saturday on the morrow of St. Agatha, in the thirty-third year, and offered himself against the said John who was present, and a day was given him by the constable of the said Tower on Monday next following, before H. of Bath and his companions itinerant, at Winchester, in the county of Southampton. John now comes, and says that Robert did not keep the day so given [him] by the four knights, because, he says, the view was made on the festival of the said Agatha the Virgin in the thirty-second year, as is aforesaid, which in that year was a Wednesday, so that Robert ought to have appeared on the Friday next after the same festival in the thirty-third year; and because he did not appear either on the Thursday or the Friday, he [John] claims a default and seeks judgment. Robert comes, and fully confesses that the view by the four knights was made on St. Agatha's day in the thirty-second year[2] as is aforesaid, and that a day was given him in one year and one day from the day of view at the Tower of London, and he says that because that year was bisextile so in the year last past the day of the said festival was Wednesday, and this year Friday, and he appeared in person at the Tower of London on Saturday, to wit, on the morrow of St. Agatha. He says, also, that out of abundant [caution] he sent to the Tower a sufficient sponsor (*responsalem*), to wit, John Picot, on Friday next before the said Saturday, who offered himself as his [Robert's] sponsor, and was ready to answer for him if it should be necessary, and if anyone would sue against him, and if the court should consider that he ought to appear on the Friday. On this he puts himself upon the constable of the Tower, if it should be necessary.

[1] See No. 1347.
[2] That was on Feb. 5, 1247–8.

John says that on the said Friday, to wit, on the festival of St. Agatha, he waited at the Tower of London from the morning (*a mane*) to the ninth hour (*ad oram nonam*), and that on that day the said Robert did not appear in person or by a sufficient sponsor, and as to this he puts himself upon the constable of the said Tower. And John puts in his place William le Criur. Afterwards it is witnessed for the constable of the Tower[1] that the said John offered himself at the Tower of London on Thursday next after the Purification of the Blessed Mary, in the thirty-third year, against Robert de Columbariis, and there waited until the ninth hour; and likewise on the Friday following John appeared at the Tower, and at length one John Picot came and spake these words: "lord Robert de Columbariis who was viewed sick in bed by four knights on the morrow of St. Agatha in the year last past will come later, on the morrow of St. Agatha." On being questioned whether he was attorney or sponsor for Robert, John Pycot said that he was not, but he said positively that his lord would come later, and on the Saturday the said Robert de Columbariis appeared in person at the Tower, to wit, on the morrow of St. Agatha, and a day was given them by the constable Monday next after the Purification, before [H.] of Bath and his companions at Winchester. John le Rus seeks judgment by default, [for] Robert says that he sent the said John [Picot] to the Tower as his sponsor, and he vouched him for his sponsor, and he [John] was an insufficient sponsor.[2]

[1] The constable of the Tower had a court of record of facts such as this, but not in matters of law or judgment (Bract., fo. 360b). It was his duty to inrol these attendances at the Tower and what claims the parties made, referring them to the justices for adjudication (*ib.*). The day was given at the Tower in the case of bed-sickness, because manifestly the knights making the view could not forecast with certainty whether the King's justices would be in the county or *in banco* on the expiration of the year and a day.

[2] See further No. 1385. At this time there was a doubt amongst the justices whether, in the case of leap year, an essoinee should present himself on the 366th day or on the 367th. Bracton seems to have considered that he should be present on the former day, not earlier lest he should not have duly observed his period of bed-sickness, and not later lest he should be held to be in default for not keeping the day assigned to him: Bract., fo. 359b and 360. See also "Bracton's Note Book," note to pl. 1291, where Prof. Maitland says "the upshot of the above argument is that the essoinee has always exactly the same length of time before he need appear, whether or no the year be leap year. But the so-called Statute of leap year declares that for this purpose the additional day in a leap year is to be reckoned as making but one day with that which precedes it, so that sometimes the essoinee will get an additional day." Prof. Maitland considers the best authority for this Statute to be Close Roll, 40 Hen. III., m. 12d, date 9 May, 1256.

Memb. 10.

Continuation [of pleas] of forinsec counties at Winton on the octave and quindene of the Purification.

1377. William de Aguilun and Isabella his wife offered themselves on the fourth day against Robert Gurnay on a plea that he should permit them to present a fit person to the church of Saunford, which is vacant and of which the gift belongs to them. Robert did not come, and he was summoned, etc. Judgment: attach him that he be at Wilton in fifty days after Easter.[1]

Memb. 12.

Pleas of divers forinsec counties at Wylton' in the county of Wylt', before H[enry] of Bath and his companions, justices itinerant, on the quindene of Easter, in the thirty-third year of the reign of King Henry, son of King John.

Memb. 12*a*.

1378. Sybil, formerly the wife of Robert Bagedripe, Stephen Mich[el], and Sarah his wife, were attached to answer the Prior of Taunton' on a plea that they should observe towards him a fine[2] levied in the court of our lord the King before the justices itinerant at Yvecestr' between Sybil, Stephen, and Sarah, claimants, and the Prior, tenant, of one virgate of land, with the appurtenances, in Batpol', whereof the chirograph, etc., and wherein the Prior complains that, while by the said fine he should hold of them one virgate of land, with the appurtenances, in the same vill in free and perpetual alms, doing such forinsec service as should appertain to the said land, to wit, the twentieth part of one knight's fee, for all services, so that the same Sybil, Stephen, and Sarah ought to warrant the said land to the Prior, and to acquit and defend him against all people in perpetuity for the aforesaid service, the Abbot of Glaston, the chief lord of that fee, distrained the Prior for suit at his court of Mulketon[3] every three weeks, and likewise distrained him for a rent of 5*s*., which he demands in respect of the said tenement, so that, in

[1] See No. 1383.

[2] This fine was levied in five weeks after Michaelmas, 20 Hen. III. : see "Som. Fines," p. 86, No. 180.

[3] "Moncketon" in Roll 997.

default of their acquittance, he has paid to the Abbot 25*s.*, to wit, the whole of the said rent for five years; wherefore he says that he is injured, and has [incurred] damage to the value of 100*s.*, and he proffers the fine, which testifies this, etc. Sybil and the others come and fully admit the fine, and whatever is contained therein, and cannot deny that the Prior, by their default, was distrained for the said suit and for the said rent, nor that the Prior, by their default, has paid 25*s.* Therefore it is considered that for the future they should acquit the said Prior against the Abbot as well in respect of the said suit as of the said rent, and should satisfy the Prior's damages, which are taxed[1] at 25*s.*, and should be committed to gaol for their transgression. The sheriff is ordered that he should distrain them to acquit the Prior in future, and that he should levy the 25*s.* upon their lands and pay them to the Prior for his damages. Afterwards Sybil and the others came and made fine for 1 mark.[2]

Memb. 13*d.*

1379. Robert Gurnay was summoned to answer William Agylun and Isabella his wife on a plea that he should permit them to present a fit person to the church of Stanford, which is vacant and is in their gift, etc., and whereon the said William and Isabella say that it belongs to them to present to the said church, because they say that the advowson of that church belonged to one Roger de Vilers, formerly Isabella's husband, whose son and heir is in the custody of Peter de Ryvill, so that —— (The whole of this entry is struck out, and in the margin is written *error alibi cras.*)[3]

Memb. 16.

1380. The Prior of Glocue (Goldclive) was summoned to answer Thomas, parson of Stok' Gomer,[4] on a plea that he [the Prior] should render to him two crops of one acre of oats and one quarter of flour[5] (*siligm̃*) in respect of an annual rent of the crop of one acre of oats and half a quarter of flour which

[1] Roll 997 says, "by the justices."
[2] This fine was, of course, to relieve themselves from the imprisonment.
[3] See Nos. 1377 and 1383.
[4] Stogumber.
[5] Or perhaps wheat.

he owes him [Thomas], in Menekeselver,[1] etc. The Prior comes, and they are agreed. Thomas gives ½ mark for a licence to agree, by pledge of the Prior himself. Let them have the chirograph, etc.[2]

Memb. 16*d.*

1381. A day is given to Geoffry de Wolmerston',[3] querent, and Robert, abbot of Aligny,[4] to take their chirograph[5] of twelve acres of land, with the appurtenances, in Stakemor', at Westminster, on the quindene of St. Michael on the prayer of the parties. And be it known that it is noted upon the file of notes,[6] etc.

1382. Robert Ridel seeks against Jordan Ridel one carucate of land, with the appurtenances, in Cusington', as his right, etc. Jordan comes and craves judgment[7] and a view. Let him have it. A day is given them on the next coming of the justices, and in the meantime, etc.

Memb. 17.

1383. Robert de Gurnay was summoned to answer William Aguillun[8] and Isabella his wife on a plea why he did not permit them to present a fit person to the church of Saunford,[9] which is vacant and is in their gift, etc. And whereon William and Isabella say that it is for them to present to the said church, because, they say, the advowson of the church belonged to one Roger de Vilers,[10] formerly husband of Isabella, whose son and heir is in the custody of Peter de Rivill, so that the same Roger presented one Hubert of Welles to the said church, who, on his presentation, was admitted and instituted. And they say that Roger, when he married Isabella, dowered her at the church door with certain lands and tenements in the said vill of Saunford, together with the said advowson. Robert comes and defends the force and injury, etc., and fully defends that William

[1] Monksilver.
[2] See "Som. Fines," p. 148, No. 73.
[3] "Welemerston" in Roll No. 997.
[4] "Allygny" in Roll No 997, *i.e.* Athelney. See Nos. 1348 and 1354.
[5] I have not been able to trace this fine.
[6] That is, of notes of fines.
[7] Roll No. 997 says nothing about "judgment," which is no doubt a clerical error here.
[8] "Agyllum" in Roll No. 997.
[9] Sandford Orcas.
[10] "Vylers" in Roll No. 997.

and Isabella have any claim to the said advowson, for, he says, if anyone could claim anything in that advowson, then Peter de Russell[1] ought to claim, for he has the custody of the land and heir of Roger de Vilers, who is warrantor of the dower of Isabella. And William and Isabella, asked if they have any charter or suit [to prove] that she was endowed by name with certain lands together with the said advowson, say no, but ask that inquest should be made by the country. And because the said William de Vilers (mistake for Aguillun) and Isabella are not able to show that she was endowed with the said advowson by name, or that[2] she has any other advowson, or land, or tenement of Roger de Vilers, formerly Isabella's husband, within the extent of the advowson of that church, it is considered that Robert [may go] without a day, and William and Isabella are in mercy, etc.

1384. The same Robert de Gurnay, William Aguillun, and Isabella his wife, were summoned to answer Peter de Russell[3] on a plea why they do not permit him, Peter, to present a fit person to the church of Saunford, which is vacant and is in his gift, etc., and whereon Peter says that it is for him to present to that church by reason of one Roger de Vilers, son and heir of Roger de Vilers, who is under age and in his custody, for, he says, that one Richard de Orekoyl,[4] who formerly held the manor of Saunford with the said advowson, had two sisters, who, after the death of Richard without heir of his body, divided between them the whole of Richard's inheritance, and it was agreed between them that they and their heirs should alternately and successively present to the said church. So that the aforesaid[5] Matilda and her heirs should present one turn when the church should be vacant, and the aforesaid Alice and her heirs the other turn. He says that of Matilda there was issue one William fitz Payn (*Wills. fil. Pagani*), who is under age and in the custody of the said Robert de Gurnay. Of Alice there was issue the said Roger son of Roger de Vilers, who is in custody of him, Peter. He says also that one William son of John, grandfather of the said William fitz Payn, whose heir he is, and who is in the

[1] "Ryvill" in Roll No. 997.

[2] In Roll No. 997 it runs thus :—"or that the heir of Roger de Vylers, formerly Isabella's husband, should have any other advowson, or land, or tenement within the extent," etc.

[3] "Ruvilis" in Roll No. 997.

[4] "Deorecuyl" in Roll No. 997.

[5] This word is a slip. Matilda is now named for the first time.

custody of the said Robert de Gurnay, last presented one Walter the clerk to the said church, who, on his presentation, was admitted and instituted and at last died parson thereof, [and that] Peter should now present to the said church by reason of the said Roger de Vilers, who is in his custody. Peter also says that William de Aguillun and Isabella his wife unjustly prevent him from presenting to the church, for, he says, they have nothing in that vill except the dower which fell to Isabella of the free tenement which belonged to Roger de Vilers her first husband; and inasmuch as the heir of Roger de Vilers, who is in Peter's custody,[1] has no other advowson of a church which could belong to the two parts of his land which is (*sic* in both rolls) in Peter's hand, he says that William and Isabella cannot claim anything in respect of that advowson. Robert de Gurnay and the others come and defend the force and injury, etc. Robert says that he unjustly[2] prevented Peter from presenting to the said church because, he says, all the ancestors of William, son and heir of Payn, son of William, who is under age and in his custody, have always presented to that church. Thus, William son of John, his [William the younger's] grandfather, first presented one Walter of Wells to the said church, who, on his presentation, was admitted and instituted. Afterwards, on the resignation of Walter, he, William, presented one Hubert son of the said Master Walter of Wells. Afterwards the Legate Otto deprived Hubert of the church, because he was the son of the last incumbent (*proximo administrantis*).[3] Then William presented one Alberic,[4] who at last died parson of the same [church]. Also he says that thus from clerk to clerk the ancestors of the said William fitz Payn have always presented their clerks successively to the said church, and he fully defends[5] the said agreement which Peter says was made between the ancestress of William fitz Payn and the ancestress of Roger de Vilers, who is in Peter's custody, concerning the advowson of the said church, to wit, that they should alternately present to the church when it should be vacant. Peter, being asked if he had any instrument

[1] "and who is warrantor of Isabella's dower" in Roll No. 997.

[2] This must be a slip, or *nunquam* may have been accidentally omitted. Roll No. 997 has "justly" in the place of unjustly.

[3] "*Proximo ministrantis*" in Roll No. 997.

[4] The roll has "*Albẽm*." I cannot say whether *Albericus*, *Albertus*, or *Albredus* is meant. I think the first.

[5] That is, disputes or denies.

or muniment (*instrumentum vel monumentum*) relating to the said agreement, says no, but he fully defends that the ancestors of William fitz Payn ever presented to the said church, except alternately when it was vacant, and he fully defends that William son of John, grandfather of William fitz Payn, ever presented the said Master Walter or the said Hubert his son, for, he says, that one Alice, grandmother of Roger de Vilers, who is in his custody, presented Master Walter; and afterwards Roger de Vilers, father of the said Roger, [presented] the said Hubert son of Master Walter, and that on their presentations they were admitted and instituted. And because Peter does not deny that the ancestor of the said William fitz Payn last presented to the said church, and afterwards confessed that the ancestors of Roger de Vilers twice presented their clerks successively to the church, so that by this the said agreement, if it were ever made, was annulled, or, for the same reason, the said William fitz Payn, who is in the custody of Robert de Gurnay, should present twice to the same church, it is considered that the advowson should remain for the present to William, saving the right of Roger de Vilers, who is in Peter's custody, when he should come of age. And because the said William Agullun and Isabella can claim no right in the advowson unless in the name of the dower of Isabella, whereof Roger de Vilers, formerly her husband, endowed her on the day he married her, and it is proved that Roger, when he married her, was not in seisin of the said advowson nor did the same advowson then belong to him, it is considered that William and Isabella can claim nothing in the advowson, and that they, as well as Peter, are in mercy. Let Robert have a writ to the Bishop of Bath that he should admit a fit person, notwithstanding their objection to his [Robert's] presentation, etc.[1]

Memb. 19.

1385. A day is given to John le Rus, claimant, and Robert de Columbariis on a plea of land on Friday next after one month from Easter on the prayer of the parties, and so from day to day (*ut de die in diem*). Robert has promised that he will come on that day in person, or by an attorney, to do and receive what right shall dictate, and he grants that if he do not come as aforesaid, John may recover his seisin.[2]

[1] See No. 1377.

[2] See Nos. 1337, 1344, 1347, 1376, 1391, 1395.

Memb. 20.

1386. Geoffry de Mandehull, by his attorney, offered himself on the fourth day against Thomas le Bretun on a plea that he should observe to him a covenant between them concerning two knights' fees, with the appurtenances, in Cherleton of Henry son of Richard, and of William son of Adam, etc. Thomas did not come, and he was attached by William son of Adam and William de Well'. Therefore let him be put under better pledges to be at Westminster on the quindene of St. Michael. And the first, etc.[1]

Memb. 23.

1387. Margery, formerly the wife of Geoffry de Bovenay, by her attorney, seeks against the Prior of Bradevestok'[2] one-third part of one carucate of land, with the appurtenances, in Stoke Curcy, which she claims in dower against him, etc. And the Prior, by his attorney, and by licence, gives up to her the dower. Let her have her seisin.

1388. Isabella, formerly the wife of William son of Adam, seeks against William son of William[3] one-third part of one carucate of land, with the appurtenances, and one salt-pan (*saline*), with the appurtenances, in Estcherleton[4]; and against Margery de Ivethom one-third part of one virgate of land and one messuage, with the appurtenances, in the same [vill].[5] William and Margery come and vouch to warranty Adam son of William. Let them have him on the next coming of the justices by help of the court, etc.[6]

Memb. 24*d.*

1389. Emma, formerly the wife of Philip de W'rth, seeks[7] against Alan de Furnell' one-third part of half a virgate of land, with the appurtenances, in W'rth as her dower, and whereof the

[1] See No. 1375. Geoffry came to Westminster on this day, but Thomas again made default. He was ordered to be attached to attend on the quindene of Hilary. See Cur. Regis Roll, No. 135, Memb. 8d. The duplicate roll, No. 136, says in three weeks after Hilary, Memb. 11.

[2] In Roll No. 997 this is "Brademerstok," and Stoke Curcy is "Tokcurcy."

[3] So in the original. In No. 1390 the name is given as "William son of Adam."

[4] Charlton Adam.

[5] Roll No. 997 adds "as her dower, etc."

[6] See No. 1390.

[7] See No. 1373.

said Philip, formerly her husband, endowed her at the door of the church on the day when he married her, etc. Alan comes, and says that Emma ought not to have dower thereout because, he says, Philip, formerly her husband, was a villein and held his land of him [Alan] in villeinage, and therein he puts himself upon the country, and Emma does likewise. Therefore the sheriff is ordered that he should cause to come before him twelve, as well knights, etc., by whom, etc., and who, etc., and by their, etc., diligently inquire whether the said Philip, formerly husband of Emma, was a villein and held the said land in villeinage, as Alan says, or not; that he should make known the inquest to the justices at the first assize when they should come into those parts, etc.[1]

Memb. 26.

1390. Isabella, formerly the wife of William son of Adam, seeks against William son of Adam[2] one-third part of five virgates of land and two acres of willow land (*terre de sauceto*),[3] with the appurtenances, in Estcherton'[4] and against Thomas de Perham one-third part of three virgates of land, with the appurtenances, in the same vill as her dower, etc. William and Thomas come, and William vouches to warranty William the elder. Let him have him on the next coming of the justices by help of the court. Thomas comes, and as to two virgates of land he seeks a view. Let him have it. A day is given them on the next coming of the justices, and in the meantime, etc. And as to one virgate of land he says that he does not hold it otherwise than for a term of twelve years, and he vouches to warranty in respect of it Adam son of William. Let him have him at the same time by the help of the court.[5]

Memb. 26*d.*

Continuation of the month, quindene, and of the morrow of the Ascension.

1391. A day is given to John le Rus, claimant, and Robert de Columbariis to hear their judgment on a plea of land, on the

[1] Roll No. 997 adds that Emma puts in her place William de W'rthe her son.
[2] See No. 1388. In Roll No. 997 "William son of William the younger" occurs in this place.
[3] See Ducange, Gloss. "*Salceda*" (*salictum*).
[4] "Estcherlton" in Roll No. 997.
[5] Roll No. 997 adds "Let him be summoned in the county of Dorset."

morrow of Trinity at Wylton', for the judgment has not yet been made, etc.[1]

Memb. 27.

1392. Matthew, Archdeacon of Buckingham, was attached to answer William de Englefeud on a plea why he prosecuted a plea in court christian concerning the advowson of the chapel of Laddingham,[2] contrary to the prohibition, etc., and whereon William complains that the Archdeacon sued him (*eum traxit in placitum*) in court christian concerning the said advowson, before the Prior of Bath, by authority of letters of our lord the Pope (*autor̃ lit̃az̃ d̃ni p^a^pe*) after he, [William], had brought the prohibition of our lord the King that he [the Archdeacon] should not proceed in the said court; wherefore, he says, he is injured, and has [suffered] damage to the value of 40 marks, and thereof he produces suit, etc. The Archdeacon comes and defends the force and injury, etc., and fully defends that he ever sued a plea concerning the advowson of the said chapel, because, he says, that there is no such advowson, for, he says, all tithes and oblations of the said chapel belong to his church of Buking-ham, so that he is in seisin of the said tithes and oblations as belonging to his church. William says that there is there a chapel, and that the advowson of the chapel, with all tithes and offerings (*obvencionibus*) of the vill of Ledingburg, belong to the church of Hachecote,[3] of which he is the patron (*unde ipse est advocatus*), so that all his ancestors have presented all their clerks to the said church and likewise to the said chapel, and they were always in possession of all the tithes and offerings of the said chapel as belonging to the said church of Achecote. He says that he first presented one Robert le Butiller to the said church of Achecote and likewise to the said chapel of Leding-burgh', so that the same Robert was admitted and instituted upon his presentation as well to the church as to the chapel, and [was] in full possession of all tithes and offerings belonging to the said chapel for one year and more until the Archdeacon impleaded his [William's] said clerk in court christian before the said Prior concerning the said tithes, and that this is so he puts him-

[1] See No. 1395.
[2] "Ledingb'g in the county of Buckingham" in Roll No. 997.
[3] "Acheccott" in Roll No. 997. There is an Ashcott in Somerset and an Ascot in Buckingham. This plea has "Somerset" in the margin.

self upon the country, and the Archdeacon likewise. Therefore the sheriff is ordered that in three weeks after Michaelmas he should cause twelve, whether knights, etc., to come to Westminster, by whom, etc., and who, etc., to recognise, etc., whether the advowson of the said chapel belongs to William, [and whether] all William's ancestors have presented to the said chapel [clerks], who, upon their presentation, were admitted and instituted to the same, [and whether] they took all tithes and offerings of the vill of Ledinglegh (*sic*) as belonging to the said chapel, and whether William presented the said Robert le Butiller, his clerk, to the chapel, who, upon such presentation, was admitted and instituted, so that the same Robert was in full possession of all the said tithes and offerings for one year, as William says, or whether the chapel belongs to the church of the Archdeacon of Buckingham, so that the Archdeacon and all his predecessors, parsons of the church of Buckingham, were always accustomed to take all tithes and offerings of the vill of Ledingburgh as belonging to his said church of Buckingham as the same Archdeacon says, for that [the parties] have put themselves upon this inquest, etc. (*quia tam, etc., et concessū est huic Iñ etc.*)[1]

Memb. 27d.

1393. Thomas de Pereton' gives 1 mark for a licence to agree with Hugh de Dunepol and Margery . . . . on a plea of covenant, by pledge of Hugh himself.[2]

Memb. 32.

1394. Robert de Valle Torta, Ralph de Valle Torta, Philip Lucyen, Henry de Cadewell',[3] and John de Turbevill' offered themselves on the fourth day against William de Valenc' and Joan his wife, Roger de Mortuo Mari and Matilda his wife, and Agatha de Ferariis on a plea that they, together with R. de Clare, Earl of Gloucester, R. le Bigot, Earl Marshal, William de Cantilupo the younger and Eva his wife, Humphrey de Boun and Alienora his wife, William de Vescy and Agnes his wife, William de Vallibus and Alienora his wife, Franco de Boun and Sybil his wife, Reginald de Moun and Isabella his wife, John de Moun and Joan his wife, and Matilda, formerly the wife of Simon

[1] See Bract., fo. 397.
[2] See No. 1374. The terms of the compromise are set out in "Som. Fines," p. 147, No. 71.
[3] "Kadewelly" in Roll No. 997.

de Kyma, should warrant the said Robert one-third part of ten librates[1] of land, with the appurtenances, in Henneye, in the county of Berks, and that they should warrant the said Ralph one-third part of £6 8*s.* 6*d.* of land, with the appurtenances, in Horsette, in the county of Cambridge, and that they should warrant the said Philip one-third part of £10 of rent, with the appurtenances, in the hundred of Cokdon, in the county of Dorset, and that they should warrant the said Henry one-third part of 6*s.* 6*d.* of rent, with the appurtenances, in Boseham, in the county of Sussex, and that they should warrant the said John one-third part of £26 16*s.* 7*d.* of land, with the appurtenances, in Bere and Cumbe, in the county of Dorset, which third parts Margaret, Countess of Lincoln, claims in dower against them, and in respect of which the said Robert and the others have vouched the said William and the others, together with the said R. de Clare, Earl of Gloucester, and the others to warranty against her. They did not come, and they had a day *in banco* to this day, to wit, the quindene of Easter, after they had appeared in court at Lewes,[2] and sought a day by prayer of the parties (*habuerunt diem in Banco ad hunc diem scilicet die Paschæ in xv dies postquam comparaverunt in curiam apud Lewes et petierunt diem prece parcium*). Judgment: take into the hand of our lord the King land of the said William de Valenc' and Joan his wife, in the county of Hereford, to the value, etc., which is valued at 60*s.* 1*d.*;[3] land of the said Roger de Mortuo Mari and Matilda his wife, in the county of Somerset, to the value, etc., which is valued at 23*s.* 10½*d.*,[4] and let them be summoned that they be at Westminster on the octave of St. Michael to hear their judgment. And touching the said Agatha, who is in the custody of our lord the King, the King must be consulted, for she is under age and in custody. The same day is given to R. de Clare, Earl of Gloucester, and all the other parties with him by their attorneys *in banco*.

1395. Our lord the King has commanded the justices that they should send the record of the suit which is before them by writ of right between John le Rus, claimant, and Robert de Columbariis, tenant, concerning three carucates of land, with the appurtenances, in Lamette,[5] before him at Westminster on the

[1] "libᵃtaꝫ" in Roll No. 997. In this roll "libraꝫ."
[2] "Welles" in Roll No. 997.
[3] "71*s.* 8*d.*" in Roll No. 997.
[4] "33*s.* 10½*d.*" in Roll No. 997.
[5] "Lamyete" in Roll No. 997.

quindene of St. Michael, and that they should fix for the parties the same day that they be there to hear the record and to receive their judgment, etc. And the same day is given them according to the said precept of our lord the King, etc.[1]

ROLL No. 997. (WILTSHIRE.)

This roll is the record of the forinsec business in Wiltshire on the eyre of Henry of Bath in A.D. 1249. The Somerset pleas, etc., are almost all to be found on the Hampshire Roll No. 777. It has not been necessary, therefore, to do more than refer back to them in that place.

Memb. 1.

Pleas of divers forinsec counties at Wylton' before H[enry] of Bath and his companions, justices, on the quindene of Easter, in the thirty-third year of the reign of King Henry, son of King John.

1396. Robert de Valle Torta, Ralph de Valle Torta, Philip Lucyen, Henry de Cadewely, and John de Turbevill' offered themselves on the fourth day against William de Valenc' and Joan his wife, Roger de Mortuo Mari and Matilda his wife, etc. Be it remembered that this suit is fully inrolled lower in the roll in the fifth week [from] Easter. Therefore let it there be sought, etc.[2]

Memb. 1*d*.

1397. A day is given to John le Rus, claimant, and Robert de Columbariis, etc.

This entry is a duplicate of that on Roll No. 777. See No. 1385 *ante*. It is not necessary, therefore, to repeat it.

Memb. 2.

1398.

Here is recorded the suit of the Prior of Taunton, for which see No. 1378. The language of this record is practically identical with that of Roll 777.

[1] By this time the parties seem to have had enough of litigation. Before the day fixed for their appearance before the King they compromised the quarrel. John got his land and more, and he paid Robert £200. See "Som. Fines," p. 148, No. 72. The fine was levied at the Strand on the octave of St. John, 33 Hen. III. See Nos. 1337, 1344, 1347, 1376, 1385, 1391.

[2] "Somerset and Hereford" in the margin.

Memb. 5*d.*

1399. The Prior of Goldclive was summoned, etc.

This is a duplicate record of No. 1380 in Roll No. 777.

1400. John de Pympe on Sunday in the month of Easter sought his land by plevin, which [land] was taken into the hand of our lord the King for the default which [John] made against John de Staingreve. Let him have it, etc.

Memb. 6.

1401. Robert de Gurnay was summoned, etc.

This suit relating to the church of Sanford will be found under No. 1383 *ante*.

Memb. 7.

Pleas of divers counties at Wilton' in three weeks after Easter.

1402. A day is given to Geoffry de Welemerston, etc.

See No. 1381 of Roll. No. 777, where this entry is repeated.

1403. Robert Ridel seeks against Jordan Ridel, etc.

See No. 1382 of Roll No. 777.

Memb. 7*d.*

Of the quindene of Easter continued.

1404. Robert de Gurnay, William Agyllun, and Isabella his wife were summoned, etc.

See No. 1384 in Roll No. 777.

Memb. 8.

Continuation of the third week of Easter.

1405. Geoffry de Maundevill puts in his place Thomas de Caylluel against Thomas le Breton' on a plea of covenant and on a plea of warranty of charter, etc.[1]

Memb. 13.

Pleas of forinsec counties in one month after Easter.

1406. Matthew, Archdeacon of Buckingham, was attached to answer William de Englefeld, etc.

For this suit see No. 1392 of Roll No. 777.

[1] "Dorset and Somerset" in the margin.

Memb. 14.

Continuation of the month and fifth week.

1407. Emma, formerly the wife of Philip de W'rth, seeks against Alan de Furnell, etc.

See No. 1389 of Roll No. 777.

Memb. 14*d.*

Continuation of the month, the third week, the quindene, and the fifth week.

1408. Margery, formerly the wife of Geoffry de Bovenay, by her attorney, etc.

See No. 1387 of Roll No. 777.

Memb. 15.

Continuation of the month of Easter and of the fifth week.

1409. Isabella, formerly the wife of William son of Adam, seeks against William son of William the younger, etc.

See No. 1390 in Roll No. 777.

Memb. 16.

Continuation of the fifth week of Easter.

1410. Isabella, formerly the wife of William son of Adam, seeks against William son of William one-third part, etc.

See No. 1387 in Roll No. 777.

Memb. 17.

Continuation of the month, fifth week, and of the morrow of the Ascension.

1411. A day is given to John le Rus and Robert de Columbariis, etc.

See No. 1385 in Roll No. 777.

Memb. 18*d.*

Pleas of divers counties on the morrow of Trinity.

1412. Our lord the King has commanded the justices that they should send the record of the suit which is before them by writ of right between John le Rus, claimant, and Robert de Columbariis, etc.

See No. 1395 in Roll No. 777.

Memb 19.

Of the quindene of Easter.

1413. Robert de Valle Torta, Ralph de Valle Torta, etc.

See No. 1394 in Roll No. 777.

Memb. 25.

Continuation of [essoins] *de malo veniendi* in three weeks after Easter.

1414. Joan wife of Peter le Rus[1] against Agnes, formerly the wife of Robert le Petit, on a plea of dower, by Richard le Deveneys. On the next coming of the justices. She has pledged her faith. The same day is given to Peter, husband of the said Joan, *in banco*.

ROLL No. 177. (DEVONSHIRE.)

There was an eyre in Devon in 33 Henry III. Roger de Thurkelby presided. He sat at Exeter, as we learn from the feet of fines, on the octave of Trinity. The proceedings of the shire are to be found recorded on Assize Roll No. 176. Roll No. 177 is devoted entirely to pleas of other counties. It consists of six membranes only. They were formerly numbered 28 to 33 inclusive. It has no title beyond that on memb. 1. It was probably at one time part of Roll 176, which, to judge from alterations in the numbering of its membranes, is now six less than it was. This roll therefore dates from the summer of A.D. 1249.

Memb. 1.

Pleas of divers counties at Exeter in the county of Devon [33 Hen., before Roger de Thurkelby and his companions, justices, in the thirty-third year of the reign of King Henry son of King John].[2]

1415. The Prior of Montacute offered himself on the fourth day against Andrew de Suleney on a plea[3] that he should observe a covenant made between him, the Prior, and Ralph de Sullney,

[1] Over her name is written "*habet virum.*"

[2] The part within brackets is in later handwriting, apparently that of Le Neve.

See No. 1421.

father of the said Andrew, whose heir, etc., concerning twenty acres of land, with the appurtenances, in Lanteglos and the advowson of the church of the same vill. Andrew did not come, and he was summoned, etc. He made more defaults, so that the sheriff was ordered to distrain him by his lands and chattels, and that he [the sheriff] should have his body [here] this day, etc., and the sheriff has done nothing in the matter. Therefore the sheriff of Somerset is ordered, as before, that he should distrain him by his lands and chattels, and that he [the sheriff] should have his body in three weeks after Trinity, etc.[1]

Memb. 3.

1416. Christiana Luvel, by her attorney, offered herself on the fourth day against Richard Luvel on a plea that he should pay her 100 marks which he owes her, and unjustly detains, etc. Richard did not come, etc., and the sheriff was ordered that he should distrain him by all his lands, etc., so that [the sheriff] should have his body [here] this day. The sheriff did nothing in the matter. Therefore the sheriff is ordered, as before, that he should distrain him by all his lands, etc. So that, etc., until, etc., and that he should have his body before the justices at the first assize, etc., and let the sheriff be there to hear his judgment, etc.

1417. The same Christiana, by her attorney, offered herself on the fourth day against the said Richard on a plea that he should observe a fine levied before the justices at Ivelcestr' between Richard Cotel and the said Christiana, claimants, and the said Richard, tenant, touching Christiana's dower in Kary, Wykalton, and Pydecumb', with the appurtenances, and the advowson of the church of Caure, whereof the chirograph, etc. Richard did not come, etc. The sheriff was ordered that he should distrain him by his lands, etc., so that he should have his body [here] this day, and the sheriff certified the distress. Therefore the sheriff is ordered, as before, that he should distrain him by all his lands, etc., so that he [the sheriff] should have his body at the time aforesaid, etc.[2]

[1] As no other place is named, presumably Andrew is to be at Exeter. In the margin is ÷, the short form of *est*, to which reference has been made previously. It occurs also against Nos. 1416, 1417, and 1421.

[2] In the margin "At the next coming of the justices."

1418. Walter, Archdeacon of Tanton', was attached to answer Ranulf de Flury on a plea why he [the Archdeacon] held plea in court christian touching chattels which were not testamentary, etc., contrary, etc., and whereon Ranulf says that while he produced to him [the Archdeacon] on the morrow of the Apostles Simon and Jude in the church of St. Mary Magdalen at Tanton', in the beginning of the thirty-third year, the royal prohibition lest he [the Archdeacon] should hold the plea in court christian touching chattels, etc., the same Archdeacon, in contempt of the said prohibition, nevertheless held such plea, exacting from him 1 mark, and excommunicated him contrary, etc., wherefore he says, that because he held that plea contrary, etc., he, Ranulf, is injured, and has [incurred] damage to the value of 100*s*. The Archdeacon comes and defends the force and injury, etc., and says that he never impleaded him [Ranulf] (*nunquam implacitavit eum*) touching any chattels contrary to the prohibition, etc., but he says that in truth Ranulf was impleaded before him [the Archdeacon] concerning certain tithes, and therefor made fine with the said Archdeacon for 1 mark, etc.; and because Ranulf cannot contradict this, and moreover has not produced sufficient suit against him [the Archdeacon] that he held plea contrary, etc., it is considered that the Archdeacon [may go] without a day, and Ranulf is in mercy, by pledge of Hamelin de Deandon.

1419. Andrew Wak' is in mercy for his great transgression, and is amerced in 10 marks.[1]

1420. Hugh de Cardigan and Amice his wife put in their place Roger de Kardewurth', or Thomas de Trom, against Robert de Clavine on a plea of assize of novel disseisin, whereon it is complained ——.[2]

Memb. 6.

1421. The Prior of Montacute, by his attorney, offered himself on the fourth day against Andrew de Suleny on a plea[3] that he should observe a covenant made between him, the Prior, and Ralph de Suleni, father of the said Andrew, whose heir he is, concerning 20 acres of land, with the appurtenances, in Lanteglos, in the county of Cornwall, and concerning the advowson of the church of the same vill, etc. Andrew did not come, and the

[1] The entry had originally 20 marks, but it has been altered to 10. One Andrew Wake was sheriff of Somerset in 52 and 53 Hen. III.

[2] The entry concludes thus. [3] See No. 1415. "÷" in the margin.

sheriff was ordered that he should distrain him by all his lands and chattels, etc. The sheriff certified that he [Andrew] was distrained, etc. Therefore the sheriff is ordered, as before, that he should distrain him by all his lands, etc., so that, etc., until, etc., and that he [the sheriff] should have his body before our justices itinerant at Ivelcestr' on the octave of St. John the Baptist. Let him be distrained in the county of Somerset.

ROLL No. 1178. (DIVERS COUNTIES.)

This roll is devoted to pleas of the lesser assizes taken before the King's justice, Henry de Bracton, with whom were associated the several knights whose names are given below. The counties included in the roll are Somerset, Devon, Wilts, and Dorset. The Somerset pleas alone are here given. The dates given by the various headings cover—first, the period between April and November, 35 and 36 Hen. III., A.D. 1251; next, the period between August and November, 37 and 38 Hen. III., A.D. 1253. In addition, there seem to be a few pleas of the month of April, 41 Hen. III., A.D. 1257.

Memb. 2.

1422. Walerand de Welleleg' puts in his place William de Weleslegh, or Adam de Compt', against Walter le Bruen on a plea of assize of novel disseisin and on a plea why he obstructed a certain way, and concerning common of pasture in Dultingcot, etc.[1]

Memb. 1*d.*

Assizes of novel disseisin taken at Melverton on Friday next before the feast of St. George, in the thirty-fifth year, by order of our lord the King, before H[enry] de Bracton, Henry de Stawell, and Roges son of Simon, his companions, etc.

1423. The assize comes to recognise whether William de Ripariis, Thomas de Ho, Richard Vicar of Wineford, Adam in the Tone, Sampson Attehalse, John Brun of Widecumb', Robert de Holenham, and William de le Poer unjustly, etc. disseised William de Polhamford' of his free tenement in Loscumb', since the first, etc., and whereon it is complained that the said William

[1] See No. 1426.

and the others disseised him of about one hundred acres of land, with the appurtenances. William does not come, but his bailiff comes and says that the assize ought not to be made, because no ancestor of William was seised thereof, nor [was] this William, nor [were] his men otherwise than for money which at one time they gave to the said William and his bailiffs for furze (*jannis*) and herbage, and thereon he puts himself upon the assize.[1] William de Polhamford' comes, and says that the tenement, concerning which complaint is made, he had of the inheritance of William de Polham[ford] his father, who enfeoffed him thereof, and when he was under age he was in the custody of the Prior of Tanton' as chief lord of the fee, and the Prior, in the name of the said William, took all profits of the tenement, as herbage and other things, and he, William, afterwards [did] likewise without dispute until William de Rypariis and the others, in the year last past, unjustly disseised him. And thereon he puts himself upon the assize. The jurors say that the tenement, of which a view was made, belongs to Loscumb' and not to Wyneford', and that the said William de Rypar' and William de Polamford' and their men have taken and carried off crops from the said tenement, such as furze and other things. Questioned who had the greater right to take crops from the tenement, they say positively William de Polhamford' and not William de Ripariis, and that the men of William de Ripariis unjustly disseised him, as the writ says. Therefore it is considered that William de Polhamford' should recover his seisin by view of the jurors. And the men of William de Ripariis are in mercy. Damages, 20*s*.

1424. The assize comes to recognise whether John Saphin unjustly, etc. disseised Goldeburg de Wolfarston' of his free tenement in Wolfarston, since the first, etc., and whereon it is complained that he disseised him of seven acres of land, with the appurtenances. Afterwards John [came] and confessed the disseisin ; therefore let him be in custody. [His] amercement is pardoned by the King, because he is poor. And it is agreed between them that the said John should restore to Goldeburg his seisin, and he gives John $\frac{1}{2}$ mark.

1425. The assize comes to recognise whether Roger de Burton', Robert Cotel', Robert de Wytherton', John de Bradenesse, and Thomas de Mere unjustly, etc. disseised Sybil de

[1] Here there is a marginal note, "*vacat quia alibi.*" See No. 1427.

Hethcumb of her free tenement in Hethcumbe, since the first, etc., and whereon it is complained that they disseised her of one messuage and a certain culture called Wodecroft, with the appurtenances. Roger and the others do not come; therefore let the assize proceed in default. The jurors say that the said Roger and the others did disseise the said Sybil, as the writ says, etc. Therefore it is considered that she should recover her seisin, and Roger and the others are in mercy. Damages, 1 mark.

Memb. 2d.

1426. The assize comes to recognise whether Walter le Brun unjustly, etc. obstructed a certain way in Dunticot to the injury of the free tenement of Wallerand' de Wellesl' in the same vill, since the first, etc., and whereon it is complained that he obstructed that way for about eight feet, etc. Walter comes and says that he has not obstructed the way, but that he has enlarged it . . . . , and thereon he puts himself upon the assize.

The same assize, by the same recognitors, comes to recognise whether the said Walter unjustly, etc. disseised the said Walter (should be Walerand) of his common of pasture in Duntincot' which appertains to his free tenement in the same vill, since the first, etc., and whereon he complains that while he and his men villeins, always were wont to have common there . . . . [after the] crops were taken off, and whilst the land lay fallow (*ad waretť*), the same Walter inclosed the land so that neither Walerand nor his men could go upon the land and use the common as they were wont [to do]. Walter comes, and says that neither the said Walerand nor his men [had] any common . . . , and thereon he puts himself upon the assize.

The same assize, by the same recognitors, comes to recognise whether the said Walter unjustly, etc. disseised the said Walerand' of his free tenement in Duntincot,[1] since the first, etc., and whereon it is complained that he [Walter] disseised him of two parts of 40*d.* of annual rent issuing from a certain mill of Walter, and which he [Wallerand] was wont to receive for a certain water-course which the same Walter and his predecessors have had over (*ultra*) the land of Walerand. Walter comes, and

[1] Dulcot near Wells.

says that he many times (*multoties*) offered him the said rent, and he [Walerand] . . . [would not] receive it. Walerand says that Walter never offered the . . . [rent] prior to the seeking of the writ but after, and thereon he puts himself upon the assize.

The jurors say that Walerand and his men have always enjoyed (*usi*) the said . . . . [common], and therefore it is considered that Walerand should recover his seisin, and Walter is in mercy. Damages, 4*s*. They say also, touching the aforesaid tenement, that Walter did disseise him of two parts of 40*d*. . . . which the said Walerand was accustomed to receive for a certain mill in Duntincot . . . [for that before] the seeking of the writ Walter would not pay the rent, but always refused to pay it. . . . [Therefore it] is [considered] that Walerand should recover his seisin, and Walter is in mercy. Damages, 4*s*. 5*d*. Concerning the way, they say that Walter did obstruct the said way by a certain wall which he raised. Therefore it is considered that the nuisance should be suppressed (*nocum' deponator*) by view of the jurors, and that [the way] should be as it was wont and ought to be, and Walter is in mercy. Damages, 12*d*.

Memb. 3.

Assizes of novel disseisin taken at Milverton on Friday next before the feast of St. George, in the thirty-fifth year, by order of our lord the King, before H[enry] de Bracton and his companions Henry de Stawell and Roges son of Simon.

1427. The assize comes to recognise whether William de Ripariis, Thomas de Ho, Richard vicar of Wynesford', Adam in the Ton', Sampson Athalse, John Brun of Wydecumb, Robert de Holenham, and William le Poer unjustly, etc. disseised William de Polhamford' of his free tenement in Loscumb', since the first, etc., and whereon the said William de Polhamford complains that they disseised him of his tenement, to wit, of a certain waste (*vasto*) of about one hundred acres, and of a certain meadow of which William Do enfeoffed William de Polhamford his father, and of a certain meadow of which one Laurence, brother of William Do, enfeoffed the same, so that William his father was in seisin thereof, and depastured (*pavit*) the herbage with his cattle and likewise the waste, and carried off furze

without dispute or any other hindrance, and he died seised thereof, and after his death the same seisin was with his [William the son's] guardian while he was under age, and with him when he became of full age and had seisin of his lands, and thus he was in seisin thereof without any hindrance until the same William de Rypariis and his baliffs let that land to their men to till it and to cut wood (*faciend' baticiu*)[1] and until they so disseised him, and that the tenement belongs to Loscumb' and not to Wynesford, which are different fees and different baronies, and thereon he puts himself upon the jury. William de Ripariis does not come, but his bailiff, to wit, Thomas de Ho, and the others, [come] and say that the assize ought not to be made because that tenement, of which a view has been made, is the tenement of William de Ripariis, and is not, nor ever was, of William de Polhamford; nor was the said William Do seised thereof so that he might enfeoff anyone thereof; nor was William, the father of this William, ever enfeoffed thereof; nor had that William any seisin thereof; nor [had] William his son, for when they came upon the land with their cattle they [William de Ripariis and his men] took the cattle so that they, William and William, made fine for their cattle, sometimes for more, sometimes for less, at the will of William de Rypariis; and when they [William and William] cut furze they [William de Ripariis, etc.], put them under pledges (*devadiaverunt eos*).[2] Touching the meadow, they say that because a certain villein of William enclosed a part of that meadow they took his cattle, so that he made fine for 10*s.* for the trespass; and that the tenement belongs to Wynesford and not to Loscumb he (*sic*) puts himself upon the jury. William de Polhamford comes, and says that neither his cattle nor those of his father were taken on that tenement, nor were they [William and his father] put under pledges (*nec fuerunt devadiati*) for [cutting] furze, but this happened on another tenement concerning which he makes no

[1] *Basticium = sylva cœdua*, Gall. *taillis*. Ducange, Gloss.

[2] As Bracton points out, every disseisin is a trespass, but every trespass is not necessarily a disseisin. After discussing trespass without intention of acquiring seisin, which, if disputed, must be determined by inquest, the assize being converted into a jury for the purpose, he says: "*Et quid si talis in alieno ita jus sibi usurpavit? Vel prosternendo arbores vel succidendo vel lapides finales amovendo ut predictum est. Imprimis ante assisam capienda sunt vadia (si fieri possit) et ita emendabitur transgressio per captionem vadiorum et si se devadiari non permiserit, recurrendum est ad breve de nova disseysina et cadit assisa in juratam et duplicabitur pena transgressionis vel donec sciatur utrum quis clamaverit vel non*," ff. 216b and 217.

claim and which is of another barony and another fee, to wit, of Wynesford, where beasts were taken, and not on this tenement of which the view was made.

The jurors say upon their oath that the tenement was of the said William Do, and that he gave it to the said William de Polhamford, and the same William was in seisin thereof, and died seised, and the guardian of his son, after him, in the name of the son and heir and the said William the son, who comes, when he came to full age likewise, so that they depastured the herbage and carried off the furze from the tenement without any hindrance by that gift; but in truth there was always a dispute between William de Rypariis and the aforesaid lords of Losham because he caused some furze to be carried off by his men and depastured the herbage. Asked whether Wynesford and Losham be of one and the same barony and of one fee, they say no, but of different. Asked to what fee the tenement of which the view was made belonged, whether to Wynesford or to Losham, they say to Losham and not to Wynesford. Asked, seeing that each of them depastured the herbage and carried off furze, which of them did this justly and which unjustly, when both could not have that tenement nor be in seisin thereof as of a free tenement together and at the same time, they say that it seems to them that the said William de Polhamford did this justly because the tenement is his, and that the said William de Rypariis did it unjustly because he has no right in the tenement nor any seisin otherwise than by force and his power; and because he has no right in that tenement nor rightful seisin he acted unjustly in tilling and cropping the land, and wherefore it seems to them that, inasmuch as that tenement is of the said William de Polhamford, so his use and seisin of the tenement is his own, and that by such use he should retain his tenement; and that William de Ripariis could acquire nothing for himself by such use in the tenement of another; that the tenement does not belong to the fee of Wynesford' which he, William de Ripariis holds; nor is it otherwise shown by the same William de Ripariis that he should have any right or seisin therein otherwise than by his force and power, as in the land of another. It seems to them that William de Ripariis and the others did unjustly disseise the said William de Polhamford'. Therefore it is considered that William should recover his seisin, and all the others are in mercy except William de Ripariis, because the jurors

. . . . [say] that the same William was not present, nor inciting, nor did William de Polhamford put this upon him . . . . as the same William de Polhamford' admits. Therefore William made no disseisin, and so he is quit of amercement, and William de Polhamford is in mercy for his false claim against him. Damages, 20*s.*, because for so much they let (*locaverunt*) that tenement, and they have received so much.[1]

Memb. 3*d.*

1428. The assize comes to recognise whether Richard le Mazun and Margery his wife and Thomas Trevet unjustly, etc. disseised Emma de Wallavington of her free tenement in Periton', since the first, etc., and whereon it is complained that they disseised her of two messuages, five acres of land, and one acre and a-half of meadow, with the appurtenances. Thomas Trevet comes, and says that the assize ought not to be made because the said Emma elsewhere impleaded him upon an assize[2] of novel disseisin, and that the assize was taken before R. de Thurkelby and his companions, justices itinerant, in the county of Somerset; so that, by such assize, he retained the tenement, and vouched to warranty the rolls of the said justices. Therefore she may sue if she pleases (*et ideo ipsa sequatur si voluerit*).

1429. The assize comes to recognise whether Geoffry de Mandevill' and Simon the serjeant unjustly, etc. disseised Ralph son of Richard de Estcoker of his free tenement in Estcoker, since the first, etc., and whereon it is complained that they disseised him of one virgate of land, with the appurtenances, besides one acre and a-half of land and one acre of meadow, etc. Geoffry did not come, and it was testified that he was in parts beyond the seas. Simon the serjeant comes, and John Pycot, Geoffry's bailiff, says that the assize ought not to be made because Ralph never was seised [of the land], and thereon he (*sic*) puts himself upon the assize. Ralph comes, and says that he was in seisin by the gift of one Gerard Costantin and one Margery his wife, his [Ralph's] mother, and this well appears; for when Margery his mother elsewhere, before H. de Bracton and his companions, arraigned an assize of novel disseisin touching the same land against Geoffry de Mandevill, the same Geoffry did not come, but the said John Picot his

[1] This is another, but cancelled, record of the suit on memb. 1*d* of the same roll: see No. 1423.

[2] Over this word is written "*breve*."

bailiff [came], who answered the assize, and said that it ought not to be made because Margery was not in seisin of the same land when the said Geoffry put himself upon the land, so that she might be disseised, for she and the said Gerard her husband had before that enfeoffed the said Ralph her son by her charter, and Geoffry claimed nothing in [the land] beyond custody; and because Margery could not contradict this, Geoffry withdrew without a day, and Margery was in mercy, and thereon he put himself upon the rolls of the said Henry [de Bracton], and craved judgment whether since he [John] then admitted that he [Ralph] was in seisin, he could now deny that he [Ralph] had seisin. The rolls are examined, which testify the same, but Ralph says that whilst the said John cannot deny what he previously admitted in court, that Ralph should have his seisin, [the matter] should go further to a jury (*ad juratam*) touching the entry of Geoffry upon the land after Ralph's seisin. The jurors, the assize being taken by way of jury (*in modum juř capt̃*), say upon their oath that they know nothing of the entry except that he [Geoffry] took the land into his hand and had it in his hand for one year, and afterwards enfeoffed the said Simon thereof by his charter, and certain of the jurors say that they saw and heard the charter sealed with his seal, and also that he sent his letters patent to his bailiffs to put Simon in seisin of the said land, and therefore the said Margery, as soon as Geoffry would take the land into his hand, forthwith procured her writ of novel disseisin against him, on which she failed, as is aforesaid. After she failed on that assize the said Ralph without delay procured [his writ] whether, etc. Therefore, because the said bailiff cannot deny the seisin of the said Ralph which he previously admitted in court, and the said Geoffry could have no entry upon the land after that seisin, except injuriously to the feoffment of Ralph, for Ralph was not then under age, nor by reason of custody because Ralph was enfeoffed whilst under age, nor did he claim to hold anything of the said Geoffry, and if he was not enfeoffed [while] under age he ought to hold the land in socage, it is considered that Geoffry and Simon did unjustly disseise him. Therefore Ralph should recover his seisin, and they are in mercy, and John Picot likewise, because he now denied what he had before admitted in court. Damages, 4 marks 3*s*.[1]

[1] This seems a somewhat complicated story. If the land was of socage tenure Geoffry could have no claim as guardian. The guardianship would be with the next-

Memb. 7d.

Assizes taken at Toriton on Monday next after the feast of St. Michael, before H[enry] de Bracton, William de Hywis, and their companions, etc.

1430. The assize comes to recognise whether Thomas de Kytincoe' and William de Crofter unjustly, etc. disseised William Coterel of his free tenement in la Clyve, since the first, etc., and whereon it is complained that they disseised him of half a ferling of land, with the appurtenances, in the said vill, and whereon it is said that one Robert de Clyve gave that land in free marriage with his sister, and that he [William Coterel] was in seisin for twenty-four years until the said Thomas and William unjustly disseised him, etc. Thomas and William come, and say that the assize ought not to be made, because the said William Coterel never had a fee there nor a free tenement from which he might be disseised, because in truth that land never was given in free marriage by the said Robert, for one Wymarca, Robert's wife,[1] held that land as that which was assigned to her in dower, and after the death of Robert she remained in seisin of the land, and the said William Coterel and his wife likewise with her; and that he had no free tenement nor any entry therein otherwise than by the said Wymarca they put themselves upon the jury. William Coterel says that the said Robert gave him the land in free marriage with his wife, and by his [Robert's] charter, which he proffers and which testifies this, that he had no entry in the land by the said Wymarca, but by the said Robert as is aforesaid, he puts himself upon the jury, and the said Thomas and William likewise. The jurors say upon their oath that the said Robert enfeoffed the said William Coterel of the said land as is aforesaid, and by the consent and wish of Wymarca his mother, who held that land in dower, and [she] made feoffment to the said Robert her son, so that she had no seisin therein except of coming and going, and at the will of the said Coterel and his wife, and that they were always in

of-kin of Ralph on the father's or mother's side opposed to that from which the land was derived. If it was held under knight service Geoffry was wrong, because the land did not vest by descent, but by purchase. Moreover, even, if Geoffry were guardian, and by virtue of his position he had entered and enfeoffed another, that would be a disseisin: Bract., fo. 161b. Finally, Geoffry and his people were estopped by the previous record.

[1] It appears by the finding of the jurors that she was Robert's mother.

seisin thereof as of a free tenement until the said Thomas and the others unjustly disseised them. Therefore it is considered that the said Coterel and his wife should recover their seisin by view of the jurors, and Thomas and the others are in mercy. Damages, 10*s.*

1431. The assize comes to recognise whether Robert de Bosco unjustly, etc. disseised Richard Quintin of his free tenement in Sukadebir',[1] since the first, etc., and whereon it is complained that he disseised him of a certain meadow of twenty perches in length and of four perches in breadth. Robert comes, and says that the soil of the said meadow which Richard put in view, to the length of ten feet is his, Robert's, by covenant made between Richard's father and him, Robert; and in truth another part of the meadow of the length of ten feet is his, Robert's; but that when that part was mown, the hay of Richard's part was mixed with the hay of Robert's part, and Robert's men came and carried off the whole of that hay. And although Robert knew this and would make amends, yet Richard would not receive compensation nor his hay, and thereon he puts himself upon the assize. The jurors say upon their oath that a certain covenant was made between the said Robert and William Quintin, Richard's father, touching the making of an exchange of the said meadow if the said Richard should consent, whose inheritance that land was, through his mother, for his father could claim nothing therein, otherwise than for his life by the law of England,[2] and the writings were made and deposited in independent hands (*in equali manu*) until the coming of Richard into those parts. When Richard came he would in no way assent to the covenant or to the exchange, so that the covenant remained unmade because the said Richard straightway took the meadow into his own hand and his seisin was viewed, and the hay of one year was mown and carried off. In the second year Robert came and carried off hay as well from Richard's part as from his own, which he would have given in exchange. Wherefore they say that the said Robert did unjustly disseise the said Richard. Therefore it is considered that Richard should recover his seisin, and Robert is in mercy. Damages, 2*s.*

1432. The same assize, by the same recognitors, comes to recognise whether the said Robert unjustly raised a certain dyke

[1] South Cadbury.

[2] That is, as tenant by the Curtesy.

to the injury of the free tenement of Richard in the same vill, since the first, etc., and whereon it is complained that Robert inclosed by a dyke a certain wood wherein he [Richard] was wont to common, so that he is not able to enter it or to have his common as he ought to have. Robert comes, and says that the assize ought not to be made, for if there should be there any injury or . . . dyke raised, it was done in the time of Richard's ancestor and not in his time, and thereon he puts [himself on the assize]. Richard comes, and cannot deny this. Therefore it is considered that Robert [may go] quit, and that Richard . . . [take nothing by that assize], but be in mercy for his false claim.[1]

Memb. 8d.

Assizes taken at Kenemerdon on Monday next after the feast of St. Katharine, in the thirty-sixth year, before H[enry] de Bracton and William de [2] his companion, etc.

1433. The assize comes to recognise whether John de Aure, David Russell, Robert le Blund, Hugh le Bygod, Maurice le Lond', and many others in the original writ named, unjustly, etc. disseised Henry le Bygod of his free tenement in Marston, since the first, etc., and whereon it is complained that they disseised him of half a knight's fee, with the appurtenances. Questioned how it should be his free tenement, he says that on the second Saturday after the feast of St. Michael in this year, his father died seised of that tenement as of fee, and he [Henry] on the morrow, to wit, on Sunday, put himself upon the tenement as son and heir, legitimately born of his father. On the second day after that came one Richard Coffe, bailiff of the said John de Aure, the chief lord of that fee, and seised the land into the hand of his lord, and called together all the free tenants and others who were there [to be] before his lord on the morrow to do fealty to him and such other things as by right they ought to do. On that day John de Aure came thither as chief lord, and would have entry into the houses, and the said Henry came to meet him, and offered him his homage and relief, and would

[1] Observe, the question tried was not whether Robert had a right to do what he did—perhaps he had not—but whether his act deprived Richard of his seisin? It did not, because, having been done before Richard's ownership began, he was never seised of that of which he said he was deprived.

[2] Blank in the original.

fully grant him entry if he [John] would not disturb anyone; but the said John would not do this, but [desired] that Henry should go out, and all others who were in the house. Henry said that he had no counsel to do this thing, and the said John took the fealty of the men and so withdrew from the place, and that it was so he [Henry] puts himself upon the assize. John comes, and says that he did not disseise him [Henry] of any free tenement, but in truth, he says, he came thither as chief lord of the fee and desired to have pure seisin (*puram seisinam*) thereof, saving anybody's right, and he sought by all means that the said Henry and all those who were with him there should go out, and he required the said Henry that he should show what right, if any, he [Henry] had in that tenement, and that he should do to him whatever he ought to do, according to the law of the land. Because Henry refused this, he [John] sent the said David and all the others who came thither and ejected Henry, and that it was so he puts himself upon the assize. Henry says that when he was ejected from his tenement he straightway came to his lord and offered him his homage as before, and he [John] would not take it. Afterwards he asked his lord if he avowed the deed of his men, and he [John] said that he would fully avow some things that they had been able to do, and other things not, but it was manifest that he avowed their deed because he would not undo the matter, but soon after he came and stayed there and put Hugh, brother of Henry, in seisin of the tenement, and thereon he put himself upon the assize. The jurors say upon their oath concerning the seisin of Henry in all things as the same Henry says because he heard of the death of his father before anyone else, but they say positively (*bene dicunt*) that he was not unjustly disseised of any free tenement because he had not any free tenement there, nor could he at this time have any, because the said Hugh his brother is the first-born and legitimate son of his father, whose inheritance that land was. Wherefore they say positively that John and the others did not disseise him unjustly, and because he had no seisin otherwise than by intrusion. Therefore it is considered that the said John and the others are quit, and that Henry should take nothing by that assize, but should be in mercy for his false claim.[1]

[1] At first sight this decision almost looks like an exception to the rule, that a question of right could not be tried on an assize of novel disseisin. But it is not so.

Memb. 9.

Assizes taken at Behangre on Wednesday next before the feast of St. George, in the forty-first year of the reign of King Henry, before H[enry] de Bracton and his companions assigned for this.

1434. The assize comes to recognise whether William de Stures, Roger de Stures, William Selewood, and John de Stures unjustly, etc. disseised the Master of the Knights Templars in England of his free tenement in Wurle, since the first, etc., and whereon the same Master, by his attorney, by writ of our lord the King, complains that they disseised him of one hundred and five and a-half acres of land and of one messuage, with the appurtenances, in the same [vill], and whereon he says that the said William de Stures enfeoffed the Master of the said land by his charter, which he proffers and which testifies that the same William gave and granted, and by his charter confirmed to God and the Blessed Mary, the Master and [his] brethren, knights of the Temple of Solomon in England, all the lands and tenements which he held in the vill of Wurle to have and to hold to the said Master of the Knights of the Temple of Solomon in England and [his] brethren in pure and perpetual alms as freely and quietly as any alms could be given to any religious house; and whereon the same Master says that by that gift and feoffment he was in good and peaceful seisin for one year and more until the said William and the others unjustly and without judgment disseised him thereof, and thereon he puts himself upon the assize. William de Stures comes, but Roger and the others do not come, and they were not attached because they were not found. William says that he never made a charter of feoffment to them, but that whilst he was staying at a certain manor of the said Master and brethren at Cumb' they forced his seal from him (*rapuerunt sigillum suum*) and made what charter they wished while he was infirm and unable to resist them, and

The question here was, Had Henry any seisin? In other words, was he in such possession that to eject him would amount to a disseisin? The jurors found on the facts that he was not. With the advantage of earliest knowledge of his father's death he attempted to snatch possession. The true lord of the fee promptly removed him. This was within his rights. "*Item excipi poterit contra intrusores et disseysitores si contra verum dominum petant per assisam si post intrusionem vel disseysinam ejecti fuerint quod nullam seysinam habuerunt pacificam, quia ipse verus dominus eos recenter ejecit post intrusionem et disseysinam.*" Bracton, fo. 206*b*.

thereon he puts himself upon the assize. The jurors say that in truth the said William at first gave to the Master one messuage and a curtilage in the said vill of Wurle; and when the chief lord of that fee heard of this, and would not that the Master and his brethren should enter upon his fee, the said William de Stures came with his seal hanging about his neck and confessed before the whole parish that he gave and granted, and by his charter confirmed, to the said Master and his brethren all the said tenement as is aforesaid. Wherefore they say that the said William and the others unjustly and without judgment did disseise the said Master. Therefore it is considered that the Master should recover his seisin and damages, and that William should be in mercy. He is poor (*pauper est*). Damages, 2 marks.

Memb. 10.

1435. Hugh son of Humphrey de Aluneneford' puts in his place Roger de Langport, clerk, against Margery daughter of Iseult on a plea of land, whereon an assize of mort d'ancestor [is claimed].

1436. The assize comes to recognise whether Waleram de Welesl' unjustly, etc. obstructed a certain way in Welesl' to the injury of the free tenement of Walter de Cosington in Doltincot', since the first, etc., and whereon it is complained that whilst he [Walter] and his men and his ancestors were always wont to drive (*chaciare*) their beasts and to carry (*cariare*) by cars and carts (*carris et carettis*) to a certain moor of his [every] second year, the said Waleram obstructed the way, so that they cannot drive as they were wont, and thereon he puts himself upon the assize. Waleram does not come, but his bailiff comes, and says that he has not obstructed any way to the injury of Walter's free tenement, because they [Walter and his men] have sufficient way whereby he and his men may and ought to drive. And thereon he puts himself upon the assize.

The same assize, by the same recognitors, comes to recognise whether Waleram de Welesl' and John Long (*Longus*) unjustly, etc. disseised Walter de Cosington of his free tenement in Doltincot', since the first, etc. The jurors say upon their oath that one William Walerand obstructed a way where the said Walter and his predecessors, Canons of Wells, were always wont to drive with all manner of drifts (*chaciis*) and cartages (*cariagiis*);

and because the said Walerand would not amend this when he knew of it, it is considered that Walter should recover his seisin, and Walerand is in mercy.

1437. The same assize, by the same recognitors, comes to recognise whether Walerand de Welesl' unjustly, etc. disseised Walter de Cosinton' of his common of pasture in Welesl' which appertains to his free tenement in Dultincot', since the first, etc., and whereon he complains that whilst he has been accustomed to have common there in every second year, the said Walerand inclosed the land by a dyke and quick hedge (*viva haya*) so that he could have no ingress as he was wont to have, and thereon he puts himself upon the assize. Walerand's bailiff says that he did not disseise him of any common because he could well enter the pasture and enjoy his seisin, and thereon he puts himself upon the assize. The jurors say upon their oath that one William son of him, Walerand, inclosed the land with the said hedge and dyke, and not the said Walerand, for he was at that time in Ireland, but because his men have come from Ireland into England, and have gone back, and the said Walerand' might have amended this thing, and did not, it is considered that Walerand did disseise him unjustly. Therefore it is considered that Walter should recover his seisin, and Walerand is in mercy. Damages, *2s.*

1438. The same assize comes to recognise whether Roger Nicet and Matilda his wife, and all the others named in the original writ, unjustly, etc. disseised Walter de Cosington' of his free tenement in Dultincot', since the first, etc., and whereon it is complained that they disseised him of ten acres of land. Roger and all the others come, and say that the land of Dultincot' and the land of Dinre[1] are common, so that the men of Doltincot' and of Dinre ought to have common [there]; and when the said Walter would enclose and cultivate the land the said men of Dinre came and depastured the herbage as of their common, and thereon they put themselves upon the assize. The jurors say upon their oath that in truth the said Walter did cultivate the said ten acres immediately after the Nativity, and at Easter next following the said men came to Walter and told him that he should shut in his crop, and the said Walter thoroughly inclosed it with a hedge. Afterwards, on Friday next before Pentecost next following, the said men came and

[1] Dinder,

broke down his hedge and depastured his crop. Wherefore they say that they [the men] did unjustly disseise the said Walter. Therefore it is considered that he should recover his seisin, and Roger Nicet and all the others are in mercy. Damages, 20s.

1439. The same assize comes to recognise whether Walerand de Welesl' and John Long of Dultincot' unjustly, etc. disseised Walter de Cosington of his free tenement in Dultincot', since the first, etc., and whereon it is complained that when he [Walter] would make a little enclosure (*parvum parcum*) in the midst of his land the said Walerand caused his wall to be thrown down. Walerand's bailiff comes, and says that the soil of the pinfold (*punfaude*) is Walter's, and that Walerand and his men should have common there, but they (*sic*) say that Walerand did not throw down the said wall.[1] However, as the transgression is small, it is ordered that the wall be rebuilt, and be as it was before.

1440. Nicholas Michel, who brought an assize of novel disseisin against Ralph Russel and certain others touching tenements in Horsinton' and in Cherinton', came and withdrew himself. Therefore he and his pledges to prosecute are in mercy, to wit, Nicholas de Litleton and Peter de la Mare. It has been agreed between them that all disputes between them should be seen and terminated by four trustworthy and lawful knights chosen by common assent by Batholomew de Emneberg' and William Fukerham of the one part and Martin de Legh and Henry de Monte forti of the other part, and this by the octave of St. Michael next, and to this they have pledged their faith. The said Ralph mainprises that the house of Nicholas, which was thrown down, should be restored to the same state, or better than it was [before].

1441. The assize between Agnes ate Thurne, querent, and Richard de Kideford and Ralph de Poveslehad touching a tenement in Kideford remains without a day because Agnes has died.

1442. The assize between Edith de la Morland, querent, and William de la Morland, and certain others in the original writ named, touching a tenement in Radeslod' [remains] without a day because Edith has died.

1443. Christiana de la Bere, Nicholas and John sons of

[1] Meaning probably that the act was the act of Walerand's men rather than of himself—that, in fact, he was not party to it.

Christiana, who brought an assize of novel disseisin against Master Walter de Sancto Quintino, Archdeacon of Tanton', concerning a tenement in Welleford, do not proceed. The Archdeacon is told that he may go as he came.[1]

1444. The assize comes to recognise whether Osbert de Karevill', Walter le Page, and John le Blund, unjustly, etc. disseised Ralph de Karevill of his free tenement in Lokynton', since the first, etc., and whereon it is complained that they disseised him of one messuage and thirteen acres of land, with the appurtenances. Osbert and the others come, and say positively that they have not disseised Ralph of any free tenement, and thereon they put themselves upon the assize. The jurors say upon their oath that Osbert and the others have not disseised Ralph of any free tenement, because in truth Osbert at another time impleaded the said Ralph his brother in the court of our lord the King before his justices itinerant at Ivelcestr' in the county of Somerset, so that by the consideration of the same court the said Osbert recovered his seisin against Ralph as well of the said messuage and thirteen acres of land, with the appurtenances, as of other land touching which he was impleaded. Wherefore they say that the said Osbert and the others have not disseised him of any free tenement unjustly. Therefore it is considered that Osbert and the others [may go] quit thereof, and that Ralph de Carvill' should take nothing by that assize, but should be in mercy for his false claim.

1445. The assize of novel disseisin which Simon de Morton' and Diana his wife arraigned against the Prior de Monte Acuto touching a tenement in Cherlet' remains without a day because Simon has died as she, Diana, confesses.

Memb. 10*d.*

1446. The assize comes to recognise whether Thomas de Ho, Ralph de Greb'ge, John de Holne, Robert de Bradel, John Bynortheweye, Sampson de la Holse, Sillol de Holse, Walter Togot, Hugh Bot, Robert son of William, Gilbert Aylmer, Clement de Knaplok', Richard de Mulshangre, Roger de la Leye, Stephen Chase, and William de Muleshangre unjustly, etc. disseised the Abbot of Ford of his free tenement in Hasweye and Luscum, since the first, etc. And whereon it is complained that they disseised him of twenty-three acres of land, with

[1] "Peret'" is written in the margin against this case.

the appurtenances, whereof he says that he was in good seisin, and [that] he depastured the herbage and cut furze, and was in such seisin until all the above-named disseised him. Thomas and Ralph, and all the others come, and say that part of the tenement which the Abbot put in his view is in Wynesford' and not in Loscum, and thereon they put themselves upon the assize. The Abbot says that the tenement is in Loscum and not in Wyneford', and thereon he puts himself upon the assize. Concerning the tenement in Aswey, touching which the abbot complains, Thomas and Ralph and the others say positively that they have not disseised him of any tenement there, and on that they put themselves upon the assize. The jurors say upon their oath that fifteen acres of land, with the appurtenances, in respect of which the Abbot complains [as in] Loscum, are not in Loscum, but belongs to Wynesford'. Therefore it is considered that Thomas and Ralph and all the others [may go] quit, and that the Abbot should take nothing by this assize, but should be in mercy for his false claim. Touching the eight acres of land, with the appurtenances, in Asweye, the jurors say that Thomas and the others did not disseise the Abbot. Therefore Thomas and all the others [may go] quit, and the Abbot is in mercy. The Abbot's amercement, 5 marks.

Memb. 11.

Assizes taken at Shepton on the morrow of St. Laurence, in the thirty-seventh year.

1447. The assize comes to recognise whether William son of William and Robert his son, Henry Lauval, and Henry le Breder unjustly, etc. disseised Isabella, formerly the wife of William son of Adam, of her free tenement in Est Cherleton',[1] since the first, etc., and whereon it is complained that they disseised her of about one acre and a-half, of which she was in peaceful seisin for two years, as forming part of her dower, until they disseised her. William and all the others, except Henry le Broder, come, and say that they have not disseised her of any free tenement, because the tenement touching which she complains is the inheritance of William; and that she was never seised thereof he puts himself upon the assize. Isabella comes and says, as before, that the tenement was assigned to her in

[1] Charlton Adam

dower, and that she was in good seisin thereof until William and the others disseised her, and thereon she puts herself upon the assize. The jurors say upon their oath that the said tenement was assigned to Isabella in dower by extent and by the sheriff, and that she was in good seisin thereof until the said William and the others disseised her. Therefore it is considered that she should recover her seisin by view of the jurors, and William and the others are in mercy. William's amercement, ½ mark. Damages, ½ mark.

1448. The assize comes to recognise whether Andrew de Straton unjustly, etc. disseised Henry de Holecum of his free tenement in Holecumb', since the first, etc., and whereon it is complained that he disseised him of one enclosure (*innec*), to wit, of a certain culture (*cultura*) which contains twelve acres. Andrew comes, and fully concedes that the soil belongs to Henry, but he says in truth he [Andrew] should have common thereon every second year when the land should lie fallow ; but when the said Henry would crop (*inbladare*) that land in the second year, the said Andrew put his cattle upon the tenement and depastured the herbage and crops, and whatever there was cultivated. Henry comes, and says that he [Andrew] ought not to have common there every second year after that land was inclosed and tilled, because neither the said Andrew nor his heirs were able to demand or exact any right, claim, or common in any of his [Henry's] enclosures, and thereon he proffers Andrew's charter, which testifies this. Andrew fully admits the charter, but says that in truth, before and after the making of the charter, the said Andrew had his common every second year, and that this be the truth he likewise puts himself upon the assize. Henry says that after the making of the charter [Andrew] never had common there, except by force, and thereon he puts himself upon the assize. The jurors say upon their oath that, after the making of the charter, the said Andrew intruded upon the culture with his cattle by force and against the will of Henry, and depastured the herbage, so that Henry raised the hue (*levavit uthes'*). Wherefore they say that Andrew did unjustly disseise Henry. Therefore it is considered that he should recover his seisin, and Andrew is in mercy. Andrew's amercement, ½ mark. William de Carswell', one of the jurors is in mercy for his contempt, because he withdrew after he was sworn. Damages, 10*s*.

1449. The assize comes to recognise whether Richard de Bereford', father of Richard, was seised in his demesne, etc. of one messuage and seven acres of land, with the appurtenances, in Bereford' on the day, etc., and whether, etc., which land Nicholas de Bereford' and Lettice his wife hold, who come and say that the assize ought not to be made because the said Richard de Bereford', the father, gave that land to Lettice seven years before his death, and they proffer a charter of the said Richard, his [Richard's] father, which testifies this, and that this is so he[1] (*sic*) puts himself upon the assize. Richard de Bereford' comes, and says that the charter ought not to hurt him, because neither by the charter nor by that gift were the said Nicholas and Lettice ever in seisin, for the said Richard, the father, tilled the land and died seised thereof, and thereon he puts himself upon the assize. Nicholas and Lettice say that Richard, the father, never had seisin of that land, nor died seised thereof after he had made the gift to them, and thereon they (*sic*) put themselves upon the assize. The jurors say upon their oath that Richard, the father, made a certain charter to the said Lettice of the said land, but that Nicholas and Lettice were never in seisin of the land by that gift, for the said Richard, the father, tilled it and took all profits to his own use, so that he never changed his state, and that he died seised thereof. Therefore it is considered that Richard should recover his seisin, and Nicholas and Lettice are in mercy. Amercement of Nicholas, $\frac{1}{2}$ mark.

1450. The assize comes to recognise whether the Prior of Briwton[2] unjustly raised a certain dyke in Briwton to the injury of the free tenement of William de Cumb' in Cumb', since the first, etc., and whereon it is complained that where he [William] was accustomed to drive all manner of cattle and cars and carts to a certain pasture of his, the said Prior raised the dyke so that he could no longer drive as he was accustomed. The Prior comes, and says that he has not raised any dyke there unjustly, for he says that in truth every second year, when the field is cultivated, neither William nor any other men of the country are able or ought to drive there except for the year during which the field lies fallow, and then by the will and favour of the Prior and [in return] for trusses of hay (*pro trussis feni*) which he [William]

[1] This change from the plural to the singular number is common enough where husband and wife are concerned.

[2] Bruton.

and his ancestors were accustomed to give for that road ; and that he [William] ought not in any other manner to drive there he [the Prior] puts himself upon the assize. Afterwards William came and withdrew himself. Therefore he and his pledges to prosecute are in mercy, to wit, Robert de Burcy, Roger de Stanton, William de Spuketon', and Walter de Fokeput. He made fine for himself and his pledges for 20*s.* by pledge of the Prior of Briwton.

Memb. 13.

1451. The assize comes to recognise whether William son of William, Robert his son, Thomas Eskelling, Matthew de Dorset, John Prat, and Robert Singe unjustly, etc. disseised Isabella, formerly the wife of William son of Adam, of her free tenement in Estcherleton,[1] since the first, etc., and whereon it is complained that they disseised her of two parts of five virgates of land and of one plot of ground (*placia*) about, etc., which the said Isabella had by the gift of William son of William the younger, and by his charter, and whereof she was seised until William and the others unjustly disseised her, etc. William, Robert, and Thomas come, and say that the assize ought not to be made because Isabella could not have any free tenement there ; for whatever she may say about the feoffment by William son of William the younger, he was seised thereof during the whole of his life with the said Isabella his mother, and took the profits, and died seised thereof; and that Isabella never had seisin of the said land during the lifetime of William by herself or otherwise than with the said William he (*sic*) puts himself upon the assize, and Isabella does likewise. The jurors say that the said William son of William the younger gave the said land to the said Isabella his mother, and enfeoffed her thereof by his charter while he was of good memory and of sound mind, and she, after that gift, was in peaceful seisin thereof during the life and at the death of William from the day of St. Laurence to Friday next after the Assumption of the Blessed Mary following, and by herself alone without that the said William had any seisin therein, and until the said William and the others unjustly disseised her. Therefore it is considered that she should recover her seisin by view of the jurors, and William and the others are in mercy Damages, 1 mark.

[1] Charlton Adam.

Memb. 14*d.*

Assizes taken at Pouldon' on Thursday next after the feast of St. Michael, in the thirty-seventh year, before H[enry] de Bracton and Stephen de Aston' his companion, etc.

1452. The assize comes to recognise whether John de Balun unjustly, etc. disseised William de Marisco of his free tenement in Hunespill', since the first, etc., and whereon it is complained —— (*sic*). The same assize, by the same recognitors, comes to recognise whether the same John diverted a watercourse to the injury of the free tenement of him, William, in the same vill, since the first, etc. The same assize, by the same recognitors, comes to recognise whether the said John obstructed a certain way to the injury of the free tenement of him, William, in the same vill, since the first, etc., and whereon it is complained that he disseised him of two acres of land, with the appurtenances, in Bernemer furlang, and whereon he says that [when] he would plough that land the said John took his plough and detained it in his pound (*parco*) until he [William] gave him ½ mark. Moreover, he says, that at one time when he put a crop upon the land he [John] took the whole crop and carried it off. Further, he says, that he [John] inclosed two acres and a half in Saltemore, in the tenement of William, with a dyke so that he could not come to the land to till it, nor to do what was convenient. Moreover, he says that he [John] restored (*firmavit*) a certain weir (*gurgitem*) on the land of William one perch in length and one foot in breadth in Saltelond, and thereon he puts himself upon the assize. John comes, and says that William could not be disseised of the said two acres because he never was seised of them, for that tenement is the inheritance of his, John's, wife, and all the ancestors of John's wife have always held that tenement. As for the dyke, they say (*sic*) that it was raised by common assent of the whole country, and for the protection of the country against inundation, and as well on his own soil as on that of others of the country. Touching the weir, he says that he has raised (*levavit*) nothing in Saltelond in other manner than it was raised in the time of William Paynol the younger, and moreover that he has raised no weir on the tenement of William he puts himself upon the assize. The jurors say upon their oath that the said John did disseise the said William of the two acres, and that he carried off the crop of this autumn. Concerning the two acres and a half in

Saltemore, they say that John inclosed that land with a dyke to the injury of the said William. As to the weir, they say that he [John] raised the weir afresh (*levavit gurgitem de novo*) on William's land, wherefore they say that John did disseise William. Therefore it is considered that William should recover his seisin by view of the jurors, and that the dyke nuisance should be thrown down. As to the weir, they say that he restored it on the land of William to the length of one perch and one foot in width. Therefore let it be thrown down at the cost of John, and let it be made as it was wont and ought to be, by view of the recognitors. And John is in mercy. Damages, 5*s*. Concerning the watercourse, William says that John diverted the watercourse of Loghescros, which used to run to his [William's] fishery, where he was accustomed to fish, and have half the fish as far as Lodespill. John comes, and says that he has not diverted that watercourse in any other way than [to cause it to run as] it was wont to run by the common provision (*per communem provisionem*) of the whole country. William, by his attorney, says that John diverted that watercourse of his own authority, and to the injury of him, William, and not by the common providence of the country, and thereon he puts himself upon the assize. The jurors say upon their oath that John did divert the said watercourse to the injury of Walter. Therefore it is considered that the nuisance should be abated, and that the watercourse should be made as it was wont and ought to be by view of the recognitors, and John is in mercy. And be it known that Ralph Lawe, one of the disseisors, did not come, but he found pledges. Therefore he and his pledges are in mercy, by [pledge] of William Elyot and Walter Sevel. Afterwards John came and made fine for his men for 20*s*. And he [must be dealt with] at the Exchequer for his many disseisins[1] (*et ipse ab scaccarium pro pluribus disseisinis*).

Memb. 15.

1453. Our lord the King notified Henry de Bracton by his writ that William de Marisco has before him attorned in his place Thomas le Veyl or Alexander de Heygton', or either of them, to gain or to lose on the assize of novel disseisin which William

[1] I take this to be the meaning of the phrase, which is unusual. "*ad scaccarium*" in the margin.

has arraigned against John de Ballun concerning a tenement in Hunespill', and on the assize which the same William has arraigned against the same John concerning the diversion of a watercourse in the same vill, and on the assize which the same William has arraigned against the same John touching a certain road in the same vill, etc.

Memb. 16.

Assizes taken at Pederton on the morrow of the close of Easter,[1] in the thirty-seventh year, before H[enry] de Bracton, Hugh Fichet, and Geoffry de Lawerton' his companions, etc.

1454. The assize comes to recognise whether Robert, Abbot of Alingenye[2] and Sabina del Ortyay unjustly, etc. disseised Walter Corbyn of his common of pasture in Litlemore, which appertains to his free tenement in la Lade, since the first, etc. Afterwards Walter came and withdrew himself. Therefore he and his pledges to prosecute, to wit John de Bugeford' and Henry Lud, are in mercy. It was agreed between them that lady Sabina should grant to the said Walter two acres of meadow in Litlemor', nearest to the meadow of the Abbot of Alingeny, but so that when the said Sabina should mow her meadow the said Walter should mow his, and as she should depasture her meadow so Walter should be allowed to depasture his, with free ingress and egress. And be it known that the Abbot ought to warrant to the said Sabina the whole of the said meadow of Litlemore against all his men of Sutton, and similarly the said Sabina ought to warrant, for herself and all her men of la Lade, the said Abbot and his successors.

1455. And be it known that Robert de Sancto Claro, Thomas de Bradel', William de Speketon', Robert le Frankeleyn, John le Noreys, and Robert de Bernevill', jurors, did not come. Therefore they are in mercy. The amercement of Robert de Sancto Claro, 20*s.* The amercement of Thomas, 20*s.* The amercement of William, 1 mark. The amercement of Robert le Frankeleyn, ½ mark. The amercement of John, ½ mark. The amercement of Robert de Barnevill', 20*s.*

[1] The *Pasche clausum* was the Sunday after Easter Day, the *quasimodo* or Low Sunday.

[2] Athelney.

Memb. 16*d.*

1456. The assize comes to recognise whether Richard Wasun, Richard de Wroxal, Martin de Leye, Roger Brun, Thomas Russel, Roger Basset, Walter Ordalf', Philip Wodereve, Robert de Rakedeswory, William le Teinterer, Roger the fisherman (*piscator*), Walter the tailor (*parmenter*), Gilbert the tailor, Richard le Kyng of Briges, John de Everleye, Stephen Cissor, Adam de la Feld, William de Dudesham, and Henry le Petit, unjustly, etc. diverted a certain watercourse in Enemere[1] to the injury of the free tenement of William Malet in the same [vill], since the first, etc., and whereon [William] says that he was in good and peaceful seisin of that watercourse as a water leat (*waterletam*) to his land of Enemere[2] until the said Richard and the others unjustly disseised him thereof, and thereon he puts himself upon the assize. Richard Wasun and all the others come, except Henry le Petit, who is not known and was not attached, because not found, and they say that they have not disseised the said William of that watercourse unjustly, because William Briwer was seised thereof, and after him William de Cantelupo the elder in name of custody, so that when the same William Malet obstructed that water[course] the said William Briwer caused the dam to be broken down and the water to flow in its proper channel. Moreover, they say that the watercourse is not in Evemere, but is in Lekeworth, and that the said William Briwer and William de Cantelupo were in seisin of the watercourse; and that the said William Malet never had peaceful seisin there, they put themselves upon the assize, and William Malet [does] likewise. The jurors say upon their oath that the watercourse, touching which the said William complains, is in Evemere and not in Lokesworth, and they say positively that in truth William Briwerr' did his will with many folk, and if they did anything there to divert the said water it was [done] unjustly, and by his force, because all the ancestors of William Malet were in seisin of that watercourse as a waterleat to his land of Enemere, and he, William, after them [was] for nearly thirty years in good and peaceful seisin until the said Richard Wasun and all the others, except Martin de Leye, unjustly disseised him. Therefore it is considered that William Malet should recover his seisin by view of the jurors, and Richard Wasun and all the others, except the said Martin, are in mercy. Damages, 10*s.*

[1] Enmore. [2] Here there is an interlineation "℔. xxx"=or thirty years.

Memb 17.

1457. The assize comes to recognise whether William de Whetedon', father of Avice de Whetedon', was seised in his demesne, etc. of one-third part of the manor of Wheteden', with the appurtenances, on the day on which, etc., and whether, etc., which third part Robert de Wheteden holds, who comes and vouches to warranty Reginald de Mohun, by whom and by whose charter he was enfeoffed. Afterwards Robert came and recognised the whole of the said land, with the appurtenances, to be the right of Avice as that of which William, the father of Avice, was seised on the day on which he set out for the Holy Land, and gave it up to her in the same court to hold and to have to her and her heirs of the said Robert and his heirs for ever, paying annually therefor 12*d.* at the feast of St. Michael, and doing such forinsec service as should belong to the land. And be it known that the said Robert took the homage of the said Avice for the land in the same court. The sheriff is ordered that he should cause her to have her seisin by view of the jurors.

1458. The assize comes to recognise whether Humphrey de Almeneford', father of Hugh, was seised, etc. of one messuage and five acres of land, with the appurtenances, in Almeneford', on the day on which, etc., and whether, etc., which messuage and which land Margery daughter of Iseult holds, who comes and says that the assize ought not to be made because the said Humphrey de Almeneford' enfeoffed her of the said lands and messuage one year or more before his death, and by his charter which she proffers, and which testifies this. Hugh, by his attorney, comes, and fully admits the charter and feoffment, and [says] that that ought not to hurt him, because the said Humphrey, after that charter and feoffment, died seised thereof, and that he, after that gift, never changed his state, but dealt with the land and houses as he had done before that gift, and thereon he puts himself upon the assize. Margery says that the said Humphrey did not die seised of the said land and messuage, for immediately after the gift Humphrey gave her as guardian one Walter Marescall by name, who took the profits of the said land to the use of Margery; and that Humphrey, after the gift, had nothing in the said land otherwise than by the said guardian and by the said Margery (*nisi per predictum custodem et per*

predictam Margeriam), and thereon she puts herself upon the assize. The jurors say upon their oath that the said Humphrey did not die seised of the said land and messuage, for in truth after he gave the land to Margery he had nothing in the said land otherwise than by the said custody, and in the name of Margery. Therefore it is considered that Margery [may go] quit, and that Hugh should take nothing by this assize, but should be in mercy for his false claim. He is a pauper.

1459. Thomas de Bellocampo, [who is] beyond the sea, against William de Curtenay, on a plea of land whereon an assize of mort d'ancestor [is sought]; on the morrow of St. Martin at London. He has pledged his faith.[1] On that day came William, by his attorney, and craved leave to withdraw from his writ, and he has it. Therefore Thomas [may go] quit.

1460. The same William craved leave to withdraw from his writ against Agnes, formerly the wife of Thomas de Verdun', concerning one virgate of land, with the appurtenances, in Jedelesworth', and he has it because she no longer holds [the land].

Memb. 17*d.*

Assizes taken at Lambeth', before H[enry] de Bracton, on the day of the Blessed Katharine the virgin, in the thirty-eighth year.

1461. Peter, Abbot of Keynesham, puts in his place John de Norton' or Robert the messenger (*nuncius*) against Bartholomew de Emneberg' on a plea that he should permit them (*sic*) to have common of pasture, etc.

1462. Cecily, formerly the wife of Benedict de Bere, puts in her place Robert de Wolmerston' or Jordan Br . . . against . . . na, formerly the wife of Vincent de Herdecot', on a plea of dower.

Memb. 18.

1463.

Alan de Wodebrug', juror, for default	...	Half a mark.
Roger le Porter, for the same	...	Half a mark.
Richard de Wytcherch, for the same	...	Half a mark.

[1] The words following this essoin were of course written later.

Gervase de Halton, for the same ... 1 mark.
Richard de Stancumb', for disseisin ... 20*s.*
Walter de Chippel', for the same ... 1 mark.
Nicholas de Bosco, for the same ... Half a mark.
Thomas de Ramesden, for disseisin ... 1 mark.
Robert de Helyun, for the same ... 1 mark.
Richard de Cuntevill', one of the jurors, for default — Half a mark.
John la Ware, for disseisin ... ... — 2 marks.
Edith de Draycot' and Henry her son, for the same — Half a mark.
Richard de la Halle and Stephen son of Edith, for the same — Half a mark.
Reginald le Lung, juror, for default ... — Half a mark.
Martin le Cumb' and Hugh de Holdeland, for the same — Half a mark.
Godfrey de Alneto, his fine for disseisin... — 5 marks.

Memb. 18*d.*

William son of William, for disseisin ... 1 mark.
Robert de Burcy, his fine for his false claim — Half a mark.
Richard Luvel, his fine for disseisin ... — 5 marks.
William de Bolevill', his fine for disseisin — 30*s.*
Robert Ode, Richard de Kyngestan', jurors, for default — Half a mark.
Roger de Cruce of Sevenhampt' and Nicholas de Lopene, jurors, for the same — Half a mark.
Roger de Stratton and Thomas le Ostriser, jurors, for the same — Half a mark.
Gervase de Halton, James Corbet, Robert de Dene, Hugh le Tayllur, and William de Sullye, their fine for disseisin 20*s.*, of which Gervase ½ mark, James Corbet and Robert de Dene ½ mark, Hugh le Tayllur and William de Sullye ½ mark.
William Marescall', for himself and his men, fine for disseisin — 1 mark.

Robert de Barevill, for his false claim against Osmund, parson of Cynnok, and others		20*s.*
Thomas de Regny, for disseisin	...	40*s.*
Thomas de Cumb', his fine for himself and his pledges because he did not prosecute		1 mark
Christiana Luvel, William de Karevill', their fine for themselves and their men for disseisin 100*s.*, whereof Christiana 50*s.* and William 50*s.*		
William Haket, for disseisin	...	5 marks.
		£24 3*s.* 4*d.*[1]

Memb. 19.

1464. The assize comes to recognise whether William Haket and Alan son of Walter unjustly, etc. disseised Clement de Aghambo and Joan his wife of their free tenement in Little Merston, since the first, etc., and whereon it is complained that they disseised them of half a virgate of land, with the appurtenances, in the same vill. William comes and confesses the disseisin; therefore let him be in custody. It is considered that Clement and Joan should recover their seisin. William recognises that he will give Clement and Joan 5 marks, whereof he will pay to them 3 marks in fifteen days from the morrow of the Assumption of the Blessed Mary; and if he should not pay he grants that the sheriff may raise the money on [his] lands, etc., together with costs (*simul cum custo*), etc., and he will pay 2 marks to our lord the King for the said Clement and Joan on summons of the exchequer (*ad sum̃ Sc^a^crii*).

Memb. 19*d.*

1465. The assize comes to recognise whether Richard de Stancumb', Walter de Chippeleg', and Nicholas de Bosco unjustly, etc. disseised Hugh le Lung and Gunilda his wife of their free tenement in Langeford', since the first, etc., and whereon it is

[1] These figures, which are obviously inaccurate, are in accord with those on the roll. There has, however, been some alteration in places which may account for the mistake.

complained that they disseised them of seven acres of land, with the appurtenances. Richard, Walter, and Nicholas come, and say that they [Hugh and Gunilda] could not be disseised because they never were seised and thereon they put themselves upon the assize. The jurors say that Richard, Walter, and Nicholas did disseise the said Hugh and Gunilda as the writ says. Therefore it is considered that Hugh and Gunilda should recover their seisin, and Richard, Walter, and Nicholas are in mercy. Damages, $\frac{1}{2}$ mark.

1466. The assize comes to recognise whether Thomas de Ramesden' and Isabella his wife, Robert de Helyun, William de Helyun, Nicholas de Stawell', and Peter de Tokeswell' unjustly, etc. disseised Thomas son of Simon of his free tenement in Suthbrente and Berwes, since the first, etc., and whereon it is complained that they disseised him of three acres of land in Suthbrente, and of a fourth part of one acre of land, with the appurtenances, in Berwes. Thomas does not come, nor Robert de Heluin, nor William of the same of the county of Devon, but his bailiff comes, and says nothing wherefor the assize should remain. The jurors say that the said Thomas de Ramesden' and all the others did disseise the said Thomas son of Simon, as the writ says. Therefore it is considered that Thomas should recover his seisin, and Thomas de Ramesden' and all the others are in mercy. Damages, $\frac{1}{2}$ mark. Richard de Cuntevill and Roger de Pleybir',[1] jurors, did not come; therefore they are in mercy.

1467. The assize comes to recognise whether John la Ware, Edith de Draycot', Henry her son, Stephen son of Edith, and Richard de la Halle unjustly, etc. disseised Sybil de Gotemore of her free tenement in Draycot', since the first, etc., and whereon it is complained that they disseised her of a certain dyke. John and the others come, and John says that they have not disseised her of any dyke, because the dyke of which complaint is made is his, and thereon he puts himself upon the assize. The jurors say that John and the others did disseise the said Sybil, as the writ says. Therefore it is considered that she should recover her seisin, and John and the others are in mercy. Damages, 3*s*. And Martin de Cumb', Reginald le Lung, Hugh de Holdeland, jurors, did not come; therefore they are in mercy.

[1] Over this name is written "*pauper*."

1468. The assize between Robert de Edinton', querent, and Geoffry de Chanton' and certain others, concerning a tenement in Edington, is put in respite until another time to be appointed by our lord H[enry] de Bracton, because the tenement of which complaint is made is so covered by water that a view cannot be made. In the meantime let the view be made. And let the sheriff add so many and such, whether knights or others, so that the assize may not remain,[1] etc.

1469. The assize comes to recognise, before our lord H[enry] de Bracton and Thomas de Ha . . . , whether Godfrey de Alneto unjustly, etc. disseised the Prior of Bath of his free tenement in Cumpton', since the first, etc., and whereon it is complained that he disseised him of 20*s.* of rent in the same vill. Geoffry (*sic*) does not come, but his bailiff comes and confesses, on behalf of his lord, the disseisin. It is considered that the Prior should recover his seisin [and damages taxed . . . . at . . . [2]], and Godfrey is in mercy. Damages, . . . mark.

Memb. 20.

1470. The assize comes to recognise whether Thomas de Reyngny, Ralph Godwyne, and Robert de Bukebur' unjustly, etc. disseised Roger Kyng of his common of pasture in Siredeston', which appertains to his free tenement in the same vill, since the first, etc., and whereon it is complained that they disseised him of the common of pasture which he and his ancestors have always had in the wood of Haddon' and Haddel until they disseised him. Thomas comes, and says that he [Roger] ought not to have any common there, nor had he ever any otherwise than by favour and by agreement, and thereon he puts himself upon the assize. The jurors say that the said Thomas and all the others did disseise him of the said common, as the writ says. Therefore it is considered that Roger should recover his seisin, and Thomas and all the others are in mercy. Damages, 3*s.*

1471. Thomas de Cumb', who brought an assize of novel disseisin against Thomas de Tynho, Thomas de Kantford', and others, concerning a tenement in Litleton' and Tynho, does not proceed. Therefore he and his pledges to prosecute, to wit,

[1] That is, for the want of the proper number of jurors.
[2] This is interlined.

William de Cumb of Howeton' and Roger Tyrel of Childecumpton, are in mercy.

1472. The assize comes to recognise whether Christiana Luvel, Peter de la Mare, William de Pomeray, William de Karevill', Robert Revel, Thomas le Holte, Roger Pinnok of Bruton', Roger Wanclin, and Roger Caperun unjustly, etc. disseised Agnes de Tringham of her free tenement in Dychenestone, since the first, etc., and whereon it is complained that they disseised her of eight acres of meadow, etc. Christiana and all the others come and admit the disseisin. Therefore let them be in custody. Afterwards they made fine for themselves and their men for 100*s.*, of which Christiana 50*s.*, and William de Karevill' 50*s.* Damages, 40*s.*

1473. Agatha de Mersy puts in her place John de Gatton' or William Michel against Geoffry de Brideport on a plea of warranty of charter, etc.

1474. The Prioress of Bocland' puts in her place Richard Sherpe to sue, together with Adam Payn, who before, etc., against Henry de Tracy on a plea why she should not permit [him] to take sand, and she removes William de la Weye whom before,[1] etc.

Memb. 21.

1475. The assize comes to recognise whether Stephen de Astun, Oliver his brother, Luke Attenorchard, Robert Skirwyn', Walter Skirwyn, Alexander de Ya, and Robert de Ya unjustly, etc. disseised Robert de Burcy of his free tenement in Orcheyrd', since the first, etc., and whereon it is complained that they disseised him of two acres of meadow. Stephen comes and fully admits that he gave the said meadow to the said Robert by his charter which he made to him; but while there were certain bounds between Stephen's meadow and the meadow of Robert, the same Robert came and occupied [a part] of Stephen's meadow, one perch in breadth and twenty-three perches in length; and when Stephen saw that Robert had occupied his meadow, and would mow it, and gather therefrom with his own meadow, he, Stephen, came there with his men and carried off the whole of the hay as well of Robert's meadow as of his own; and because Stephen admits this, it is considered that Robert should recover his seisin, and Stephen and the others

[1] An attorney for her.

are in mercy. Afterwards he made fine for himself and the others, his men, for 1 mark for the disseisin. The jurors say, in the manner of a jury, touching the occupation, that after the said acres were bounded between them, Robert occupied of Stephen's meadow about one perch in width and about eighteen perches in length. Therefore Robert is in mercy for the occupation and for his false claim. Damages, 4*s*.

1476. The assize comes to recognise whether Richard Luvel unjustly, etc. disseised Walter de Bradel', parson of the church of Almanesford', of his common of pasture in Alemanesford', which is appurtenant to his free tenement in the same vill, since the first, etc. Richard comes and admits the disseisin. Therefore let him be in custody. Afterwards he came and made fine for 5 marks.

1477. The assize comes to recognise whether William de Bonevill' and Thomas Mogge unjustly, etc. disseised Robert, parson of the church of Sevenhampton', of his common of pasture in Dunington', which is appurtenant to his free tenement in the same vill, since the first, etc., and whereon it is complained that they disseised him of pasture for six oxen (*boves*), forty sheep, and one horse (*affrum*[1]) in his [William's] fallows and meadows, after the hay is carried, where he was always wont to have common with William's cattle without hindrance. William comes, and alleges nothing wherefor the assize should remain. The jurors say that William did disseise Robert of the said common as the writ says, and because his [Robert's] predecessor was is in seisin of the same common for six oxen, forty sheep, and one horse, and he, Robert, afterwards in the fallows and meadows, after the hay was taken, with the oxen of William until the same William disseised him ; therefore it is considered that Robert should recover his seisin, and William is in mercy. Afterwards it is proved (*convictum est*) by the jurors that [William] took Robert's oxen and made them plough his land, and held them until now. Therefore [he is] in greater mercy (*misericordia gravior*). William's pledges for his amercement, John de Berewe and William Briz of Blakeford. Afterwards he made fine for 30*s*. And be it known that Roger de Horton',[2] Roger de Blokesworth,[3] Osbert de Barinton,[4]

[1] *Affrus* is an ox, or horse, for farm work.
[2] Over this name is written "*infirmus*." The name is also underlined
[3] Over this name is "*non fuit in patria*."
[4] This name is also underlined.

Robert Hude, Richard de Kyngeston', Roger de Cruce of Sevenhampton, Nicholas the clerk of Lapene, Hugh de Bruges, Roger de Stratton, and Thomas le Ostricer, jurors, have not come; therefore they are in mercy. Damages, 40*s*.

1478. The assize comes to recognise whether Gervase de Halton, James Corbet, Robert le Den', Hugh le Tayllur, and William de Sullye unjustly, etc. disseised Nicholas Michel of his free tenement in Norcheriton, since the first, etc., and whereon it is complained that they disseised him of six acres of land which he had of the gift of Ralph Huse and by his charter, and whereon he says that he was in seisin of the same land from Sunday next after the octave of Epiphany in the thirty-third year until Ash Wednesday (*ad diem Cynerum*) until the said Gervase and the others disseised him, and thereon he puts himself upon the assize. Gervase and all the others come, and say that they have not disseised Nicholas of any free tenement, because they are in seisin of the same, and they were seised thereof for a long time before that gift was made to Nicholas; and that Nicholas was never in seisin by that gift they put themselves upon the assize. The jurors say that the soil touching which Nicholas complains belonged to one Ralph Huse, who gave that land to the said Nicholas, and by his charter enfeoffed him thereof, and the same Nicholas was for a long time in seisin by that gift, for he took it into his hand and raised a dyke without any opposition or hindrance until Gervase and the others disseised him thereof. Therefore it is considered that Nicholas should recover his seisin by view of the jurors, and Gervase and the others are in mercy. They made fine for the amercement for 20*s*., and each of them by pledge of the other, of which Gervase $\frac{1}{2}$ mark, James Corbet and Robert de Dene $\frac{1}{2}$ mark, Hugh de Tayllur and William de Sulleye $\frac{1}{2}$ mark. Damages, 12*d*.

1479. The assize comes to recognise whether William le Marescal [and] Stephen le Messer unjustly, etc. disseised Stephen de Greneweye, Alice his wife, and Agnes sister of Alice, of their free tenement in Preston', since the first, etc., and whereon it is complained that they disseised them of three ferlings of land, etc. William does not come, but his bailiff comes, and admits for his lord that Stephen and the others were enfeoffed of the said land by a certain lady who held that land in dower, and confesses the disseisin. Therefore it

is considered that Stephen and the others should recover their seisin, and William and Stephen [le Messer] are in mercy. Stephen and the others release (*remittunt*) to the said William and Stephen le Messer their disseisin. Afterwards they made fine for 1 mark.

1480.

The next entry is almost entirely illegible. It would seem that one Agatha admitted before Henry de Bracton, John de Aure, Geoffry de . . . , the parson of Dycheshete, whose name is lost, the Prior of the Hospital of St. John of Wells, and others, that she gave to some person of Wells [Geoffry le Draper?] a manor, the name of which cannot be read. Moreover, a portion of the membrane has been torn off.

Memb. 21*d.*

1481. The assize comes to recognise whether Geoffry de Mandevill' unjustly disseised Margery, daughter of Benedict de Estcoker, of her free tenement in Estcoker, since the first, etc., and whereon it is complained that he disseised her of one virgate of land, with the appurtenances, out of (*extra*) one acre and a-half of land and one acre of meadow, etc. Geoffry does not come, but John Picot his bailiff comes, and says that the said Margery was not in seisin of the said [land], so that she could be disseised, because she and Gerard Constantin, formerly her husband, enfeoffed one Ralph le Albe her son of the said land, and by their charter, and he says that Geoffry his lord claims nothing in that tenement beyond custody, and Margery cannot deny this. Therefore it is considered that Margery should take nothing by this assize, but should be in mercy for her false claim. She is a pauper, and is pardoned for God's sake and the King's (*pro Deo et pro Rege*).

1482. The jurors, by order of our lord the King, come and recognise by Richard le Noreys, Simon the painter (*Pictorem*), Walter Huberd', John Annore, John de Wynton', Richard de Lond', Geoffry le Ferur, William Carpentar', Thomas de Wodeford', John Dispensar', Richard de Merkesbir', and Ralph Batecok, who say upon their oath that Master John de Rak, when he made a certain gift to William Fichet of certain land in Devon, was of sound mind and good memory, although infirm, and that he made that gift to the same William on the morrow of St. Thomas the Apostle this year, and afterwards lived until Tuesday next after the Circumcision, and then died at the

third hour of the day, and that he had good memory always until the end of his life.

1483. Richard Luvel admits before the justices that he gave, and by his charter confirmed, to God and the church of St. Andrew of Almanesford', and to Walter de Bradeleg', rector (*rector'*) of the same church in pure, etc., eight acres of arable land, with the appurtenances, in the field called Estfeld next the wood of Almenesford which one John H . . . . . formerly held, and one acre and a-half of meadow, with the appurtenances, in the meadow called Brunesham, and three acres and a-half of meadow, with the appurtenances, in the meadow of Karermor', which is called Westmor' above the meadow of the lady Christiana Cotel', to have, etc., to the said W. and his successors, rectors of the said church freely, etc., as, etc., and it shall be lawful for the said W. and his successors, rectors of the said church, to mow the said meadows, with the appurtenances, and to lift and carry wheresoever, etc., with free ingress and egress without any dispute or hindrance of me or my heirs or assigns as in the charter which the said W. has fully and better appears, etc., and Richard and his heirs will warrant, etc. the said W. and his successors of the same church the said lands and meadows, with the appurtenances, against all men, etc., and as, etc.

1484. Agatha de Meisy admits that she gave and granted, and by her charter confirmed, to William Michel her house (*curiam suam*) with the garden and two acres of land with a certain meadow lying in Evercryz, and three messuages with the curtilages and all their appurtenances, in the same vill, of which Geoffry le Poter held one, Eve Bighorn another, and Walter Cede held the third, to have and to hold, etc., rendering therefor yearly one pair of gloves or 1*d.* at Easter, as in the charter, which the same William has, fully appears.

1485. William Michel admits that he is bound to the Prior of the Hospital of St. John of Wells and of the brethren there serving God in 1 silver mark yearly, payable at four terms in the year as in the charter, which the Prior has, fully appears, etc.

1486. The assize comes to recognise whether Richard the clerk of Chilton and Thomas Trevet unjustly, etc. disseised Joan de Crandon of his free tenement in Krandun, since the first, etc., and whereon it is complained that they disseised her of thirty acres of land and seven acres of meadow, with the

appurtenances, in the same vill. Thomas comes, and says that the assize ought not to be made, because she gave that tenement to the said Richard the clerk, and enfeoffed him thereof by her charter which he proffers, and which testifies this, and moreover Thomas says that he has that tenement of the gift of the said Richard, who enfeoffed him thereof by his charter, which he [Thomas] proffers, and which testifies this. He proffers also the charter of Joan herself of quitclaim of the same land. The jurors say that Richard and Thomas did not disseise her of any free tenement as she complains. Therefore it is considered that Joan should take nothing by this assize, but should be in mercy for her false claim. She is a pauper.

1487. The assize comes to recognise whether Osmund parson of Cynnok,[1] William his brother, and Philip Seys unjustly, etc. disseised Robert de Barnevill' of his free tenement in Cynnok, since the first, etc., and whereon it is complained that they disseised him of half a virgate of land, with the appurtenances, in the same vill. William and Philip do not come, but Osmund comes and says that Robert could not have there any free tenement, because his [Osmund's] church is seised thereof, and was . . . .

The rest of so much of this entry as remains is so illegible that only a word or two here and there can be made out. A portion of the membrane has also been torn off.

ROLL No. 1182. (DIVERS COUNTIES.)

This roll appears to cover a period between June, 1254 (38 Henry III.) and shortly after September, 1256 (41 Henry III.). It is that referred to by Prof. Maitland as "the precious roll of assizes taken by Bracton in the year 1254."[2] It comprises cases of the counties of Somerset, Wilts, Devon, Cornwall, Gloucester, Salop, Oxford, Surrey, Cambridge, Stafford, and York. I have not been able to find the record of the commission. The Patent Rolls are somewhat deficient for these years. But we may assume that his commission was only to take the lesser assizes, with possibly gaol delivery, of which, however, we have no record in this roll. There was a full eyre in Somerset in 40 Henry III. The commission is to be found on the Patent Roll for that year (No. 67), on memb. 16*d*. The justices assigned to hear "all pleas" were Gilbert de Preston, Henry de Tracy, Roger de

[1] Chinnock.

[2] Bracton's Note Book, p. 40.

Wycestr', William de Englefeld, and William de Cobeham. The roll of this eyre is not forthcoming. The business was probably heavy, for the number of fines is unusually large (see vol. of "Som. Fines"). They were all taken before the justices above named. We have no record of fines levied in the county in the 38th and 39th years. This roll was formerly No. 96 amongst the Coram Rege Rolls. The membranes appear to have been re-numbered and re-arranged. It may, therefore, be convenient to give side by side the old and new numbers :—

Present No.	Old No.	Present No.	Old No.	Present No.	Old No.	Present No.	Old No.
1	1	5	4	9		13	9
2	2	6	5	10	7	14	10
3	8	7		11		15	1
4		8	6	12	3		

The apparent increase in the number of membranes is due to the fact that every separate piece of parchment, whether attached to another by sewing or unattached, is now treated as a membrane. Membs. 3 and 8 (old Nos.) have apparently been transposed by mistake

Memb 1

Assizes taken at Hundscham on Wednesday next after the festival of the exaltation of the Holy Cross, before H[enry] de Bracton and his companions, to wit, Roger Beaupel and Robert de Champeys, and others, in the thirty-eighth year of the reign of King Henry.

Assizes taken at Morton on Thursday next after the exaltation of the Holy Cross, before H[enry] de Bracton and his companions, to wit, Robert son of William, Henry de Bodrigan, and others, in the thirty-eighth year of the reign of King Henry (lower down on the same membrane).

Memb. 2.

Assizes taken at Molton on Sunday next before the nativity[1] of the Blessed Mary, before H. de Bracton and Ralph de Wylinton.

[1] The day of the nativity, 8 Sept.

Assizes taken at Marlebergh' on the octave of St. Michael, before H. de Bracton and his companions, to wit, Nicholas de Barneflet and others.

Assizes taken at Exeter on Wednesday next before the feast of St. Gregory,[1] before H. de Bracton and his companions, to wit, Henry de Tracy, William de Ralegh, and others, in the thirty-ninth year of the King (all these are on the same membrane).

Memb. 2d.

Assizes taken at Benangr' on Sunday next after the festival of St. Michael, before H[enry] de Bracton and his companions, to wit ——

1488. The assize comes to recognise whether the Abbot of Athinlegh' unjustly, etc. disseised Eva Talebot of her free tenement in Bosinton', since the first, etc., and whereon it is complained that he disseised her of two parts[2] of Bosinton' for the third part which was assigned to her in dower in Hetfeld. The Abbot does not come, but his bailiff comes and says that the Abbot did not disseise her of any free tenement, because she never held the said land in demesne; but, as he says is the truth, one Lawrence Talebot, son and heir of Geoffry Talebot, held that land in demesne of the Abbot of Alinheye, and he gave up the land to his villeins of Bosinton' for an annual rent thereout of 6 marks, and Lawrence gave up to her at his will the said 6 marks for her one-third of Hetfeld, so that at one time she took 6 marks, at another 3[3] for her one-third part of Hetfeld; and that the Abbot did not disseise her of any free tenement he puts himself upon the assize. The jurors come and say that Ralph de Sulleworthe[4] and the said Eva his wife formerly held the said land of Bosinton' in demesne, and afterwards it was agreed between them and the said Lawrence Talebot, Eva's son, that they should give up to Lawrence the said tenement of Bosinton' for 6 marks to be paid to Eva yearly in the name of dower, and that Lawrence held the rest of the said tenement to

[1] St. Gregory's day, 12 March, 1254–5.

[2] This means two parts, or one-half of 6 marks, Ralph de Halliwell having already disseised her of the other two parts, or 40*s*.

[3] That is, after Ralph de Halliwell took the 40*s*. See the jurors' version of the facts.

[4] Selworthy, in Carhampton hundred; it is adjacent to Bossington.

his own use in demesne, and took all profits such as tolls and others, and that the Abbot did not disseise her, but they say that Ralph de Haliwell' disseised her of 40*s.* of the said annual rent of 6 marks by reason of a certain judgment which he was not able to claim against Eva's third part ; and because Ralph confessed that he disseised her of the said 40*s.*, it is considered that Eva should recover her seisin of the said 6 marks yearly, and let Ralph be in custody. Let Eva be in mercy for her false claim against the Abbot. She is a pauper.[1] Pledges of the said Ralph de Haliwell: Geoffry de Kytenor, Peter de Gukewyll', Walter de Fukeputte, Michael le Messager, Henry le Teinterer, and Robert Fichet.

Memb. 4.[2]

1489. The assize comes to recognise whether Agatha de Kurendon', John de Kurendon', Walter de Kurendon', Robert le Vinaz, and Adam le Sumenur unjustly, etc. disseised William son of William de Kurendon' of his free tenement in Kurendon', since the first, etc., and whereon it is complained that they disseised him of twenty acres of land and one messuage, with the appurtenances, in the same [vill], and whereof he says that he was in peaceful seisin by the gift and feoffment of Agatha herself until she and the others aforesaid unjustly and without judgment disseised him. Agatha and the others come, and say that whatever William may say concerning Agatha's charter and feoffment, he, William, never was in seisin of the said land and messuage so that he could be disseised, and as to this they put themselves upon the assize. The jurors come and say upon their oath that Agatha enfeoffed William of the said land and messuage, and made him a charter, and caused it to be read in full hundred [court]; and by that gift and feoffment William was in peaceful seisin for two days until Agatha and all the others aforesaid unjustly and without judgment disseised Adam thereof. Therefore it is considered that William should recover his seisin and damages, and Agatha and the others are in mercy.[3]

[1] The marginal notes "*c̃*" and "*miẽ*" are struck out.

[2] This membrane bears the old number 8. The membranes bearing the original numbers 3 and 8 appear to have been misplaced ; under new numbers they figure as 12 and 4 respectively.

[3] The point of this case was William's seisin. It was not disputed that Agatha had granted the land to him by deed, but was he in actual seisin thereunder or not? Agatha seems to have repented of her deed, and she would have succeeded in this action if the jurors had not found that William had been put in seisin. The assize of

1490. The assize comes to recognise whether William de Pless', Geoffry de Scolande, Thomas Picot, John le Blund, Hamelin Bugu', and Ranulf de Fynecum unjustly, etc. disseised William de Munceaux of his free tenement in Quarem,[1] since the first, etc., and whereon it is complained that they disseised him of thirty-seven acres of land, with the appurtenances, in the same [vill], and whereof he says he was in good and peaceful seisin as his inheritance until the said William and the others unjustly and without judgment disseised him. Thomas Picot, Hamelin Bulgu', and Ranulf de Fynedon' do not come, nor were they attached for the reason that they were not found; but William de Pless, Geoffry de Scolande, and John le Blund come, and say that they have made no disseisin because Richard de Wrotham died seised thereof as of his inheritance, and the said William, Geoffry, and Thomas, after the death of Richard, entered upon the land as next heirs of Richard; and as to this they put themselves upon the assize. The jurors come and say upon their oath that William and the others have not disseised, because if any disseisin was made it was made by one Richard de Wrotham, and not by William. Therefore it is considered that the said William and the others are quit thereof, and William de Muceaus is in mercy for his false claim.[2]

1491. The assize comes to recognise whether Richard de Turbervill, brother of Roger de Reyni, was seised in his demesne, etc. of one carucate of land, with the appurtenances, in Dulverton', on the day, etc., and whether, etc., which land Robert de Schete holds, who comes and says that the assize ought not to be made, because shortly before the death of Richard the same Richard gave that land to him [Robert] by the charter which he proffers, and which testifies that he [Richard] gave all his land of Dulverton, with all its appurtenances and liberties, without any reservation, to hold and to have to Robert and his heirs, of the said Richard and his heirs, by right of inheritance for ever by the service of one pair of gloves (*cyrotecharum*), or 1*d.* for all services except royal service, and [that] Richard and his

novel disseisin, it will be remembered, was founded on possession. It was a possessory, not a proprietary, action. The marginal note gives the damages at 7*s.* and ½ mark. In addition to the name of the county, "Periton" is written against this case in the margin.

[1] Quarm Monceaux.

[2] "Periton" is also written after the name of the county, against this entry. The marginal "*miă*" is struck out.

heirs will warrant, etc.; and after that gift the same Robert prosecuted a writ of warranty of charter against Richard, and a fine[1] was levied thereon in the court of our lord the King, and thereof he proffers the chirograph, which testifies that Richard recognised the said manor, with its appurtenances, to be the right of him, Robert, without any reservation; and for this, etc., the same Robert granted the manor, with its appurtenances, to Richard and Matilda his wife, to have and to hold to the same Richard and Matilda, and the heirs of Richard, begotten of Matilda, of the said Robert and his heirs for ever, doing such service therefor as should belong to the manor; and if the said Richard and Matilda should die without heirs so begotten as aforesaid, the manor should revert to Robert and his heirs, to hold of the heirs of the said Richard, for ever by the service of one pair of gloves for all services, and that Richard's heirs should warrant and acquit, etc.; and this agreement was made saving to Robert and his heirs that they might have and hold the hundred [court] of Dulverton as they held it before such agreement was made. He says that by that gift and fine he was in seisin shortly before the death of Richard, and that Richard did not die seised thereof as of fee unless, according to the chirograph, he should have an heir begotten of Matilda, and he had none, so that he did not die seised as of fee, and he strictly takes his stand upon the charter, chirograph, and his feoffment without vouching any other warranty, and by that fine he puts himself in seisin after the death of Richard. Roger comes, and says that whatever Robert may say about the feoffment by charter, it ought not to hurt him [Roger], because Richard was always in seisin and never went out of seisin, but died seised as of fee, and thereon he claimed the assize. He says also that if any fine and chirograph were made in the court of our lord the King, it was deceptive, and the chirograph and fine were founded upon a falsehood in that, when seeking the writ he [Robert] informed the court of our lord the King that he held the manor when he did not hold it, and in that way deceived the court, for which reason the fine ought not to be valid to him, and thereon he seeks judgment, and also the [recognition of the] assize that Richard died seised as of fee. He says also that when the fine was levied he put in his claim. Afterwards Robert comes and

[1] This fine was levied at Westminster on the octave of the Purification, 38 Hen. III. See "Som. Fines," p. 157, No. 100.

attorns in his place John de Pyridon' or Walter de Stok' against Roger de Reyny, before William de Wilton'.

Afterwards, at Brugeswalter',[1] before H[enry] de Bracton and Thomas Trevit [his] companion, etc., the said Roger comes and says, as before, that Richard his brother died seised as of fee, because he was always in seisin by himself and his [men] as he was before that gift was said to have been made, and he so continued his seisin until his death, and he claimed the assize and such seisin as the same Richard had. He concedes that he should forego his claim if the said Robert never had sufficient seisin. Robert, questioned whether he desired to stand upon the fine and chirograph, as at first he did, or to put himself upon the assize on the question of his seisin, says that so much confidence has he in his seisin that he willingly puts himself on the assize as to the sufficiency of his seisin notwithstanding the fine, and in such manner that if the jurors should say that he had not sufficient seisin he would give up the tenement, and Roger might recover his seisin and he abandons the fine.

The jurors say upon their oaths that the said Richard made his charter to him [Robert] touching the said tenement, and took his homage and put him in such seisin that he caused him [Robert] to take the homage of his free men and led him to the tenement and put him in seisin, so that they were together in Richard's house for one night, and in the morning they all, as well Robert as Richard and his wife, withdrew to Robert's land at Cumbe, and Robert put his brother into Richard's house as his [Robert's] steward, and when Richard and his wife had thus been out of seisin for a certain time, to wit, two months, they returned and remained in seisin as before. Questioned who remained in seisin when Richard and his wife withdrew, they say the household (*familia*) of Richard and the servants (*servientes*) [when Richard and his wife withdrew[2]] and the ploughmen tilled the lands with Richard's ploughs. Questioned in whose name, whether in the name of Robert or of Richard, they say that they always associated that seisin with the name of Richard, and not with the name of Robert, and in all things they looked towards Richard, and at all times after the making of the charter and the

[1] Bridgwater.

[2] This portion within brackets has a line of dots beneath it in the original, meaning, I take it, that the words are to be deleted

taking of the homage until Richard's death. Moreover, Richard in every way took the profits and never changed his state, so, albeit that Robert once held some seisin for some time all the same Richard was in seisin, by himself or by his men, and as much by his own use as by taking of profits. Because the said Robert and Roger put themselves upon the jury concerning the seisin, the fine notwithstanding, and Richard never altered his condition whether as to his use, or as to the taking of profits, up to his death, the jurors say that Richard died seised as of fee. Therefore it is considered that Roger should recover his seisin, and Robert is in mercy, because both freely put themselves upon the jury (*in juratam*) touching the seisin notwithstanding the said fine.

Afterwards, at Westminster, the jurors summoned to certify[1] . . . . William le Brech', William de Sancto Claro, Henry de Stauwell, Adam de Seuans, Richard de Cludesham, Richard de la Plesse, Ralph de Pauleshel, William de Oreweye, Walter de Subworth, Alayn Gubbe[2]; and upon this the record was shown by the said Henry [de Bracton] acccording as the assize was taken and examined before him, and because in that record there is no obscurity, nothing doubtful, nothing wanted, nor too little answered, but everything is plain and sufficiently examined and according to the record, the judgment is just, and there was no room for certification, therefore let the judgment remain and hold, and Robert is in mercy for his false claim. But because nothing was done before him, Henry, concerning a certain hundred [court] which it was said appertained to the said land, and that Richard was said to have given it to Robert, the jurors are questioned whether, upon their oath, [they say] that it should appertain to the tenement or not, and they say that it belongs to that tenement, because they have never seen it separated therefrom, nor that he who had the tenement had not the hundred [court]. Asked how Robert was seised and [how] his seisin was used, they say that he was seised of the hundred

[1] "A process known as a certification is employed when jurors have given an obscure or an incomplete verdict. They are summoned to Westminster "to certify to the justices" as to the oath that they have made. In this way a verdict given before the justices of assize is sometimes brought before the central court. If the jurors admit that they have blundered they may be punished, but recourse to an attaint is necessary if they are to be charged with perjury. ("Hist. of Engl. Law," Vol. ii., p. 662.)

[2] The names of the jurors.

[court], for he held it at one time and took the profits, but they do not know whether to the use of Richard or of himself——

Here the entry ends on memb. 4, there being no space left; but on the back of memb. 3[1] there is an entry which repeats much of the foregoing, and almost in identical words, and concludes as follows:—

but they do not know whether to his use or to the use of Richard, because they do not know what he did therein, but they believe for his own use rather than for Richard's. Therefore——

The entry on memb. 3*d* ends thus. On memb. 3, however, we find another entry relating to the matter, which seems to conclude it. The entry is as follows:—

Memb. 3.

Concerning the hundred [court] of Dulverton which the same Robert said he had of the gift of him, Richard, and whereof he said he was in seisin in Richard's lifetime, and which the same Roger said was appurtenant to the said carucate and that Richard died seised thereof . . . [as well as?] of the said carucate, the jurors, questioned as to what seisin Robert had in the lifetime of Richard, said that Robert at one time held that hundred [court]; and questioned who took the profits and receipts of the hundred [court], they say Richard, because he said that he would not allow Robert to take anything while he [Richard] lived, not even to the value of ½*d*. Afterwards, on the application of Robert, it came to certification on the quindene of Easter, and the jurors, asked if the hundred [court] belonged to the said carucate of land, say yes, because they never saw it to be separate from the land, for that he who had the land had the hundred [court]. Asked if Robert had seisin during the lifetime of Richard, and how it was regarded, and who took the profits thereof, and asked whether to the use of whom, or to his own use, or to the use of Richard, they say that he took the profits, but that they do not know what he did therewith, but they believe rather to his own use than to the use of Richard. Therefore it was considered on the said certification that he [Robert] should recover his seisin of the said hundred [court].[2]

[1] This is a small strip of parchment sewn to the edge of memb. 4.

[2] This case is referred to in Bracton's Treatise (fo. 49b.) with disapproval. At this place Bracton is discussing the right of a donor in possession of one part while his donee has obtained possession of the other. Bracton's view was that the donor's possession of one part had the effect of ousting the donee. Prof. Maitland says

Memb. 4—*continued.*

1492. Juliana, formerly the wife of William Wytang', puts in her place Richard de Chanton or Elias le host against Bartholomew de Emcleburgh and Isabella his wife and others in the original writ named, on a plea of dower.

Memb. 4*d.*

Assizes taken at Exebridge (*apud Pontem de Exe*) on Saturday next before the festival of the nativity of the Blessed Virgin,[1] before Henry de Bracton and his companions, namely Ralph de Exe and others, in the thirty-eighth year of the reign of King Henry.

1493. The assize comes [to recognise] whether Osbert de Nordoner unjustly, etc. disseised Adam son of Nicholas and Alice his wife of their free tenement in Chw, since the first, etc., and whereon it is complained that he disseised them of one ferling of land, with the appurtenances, in the same, etc.; that he had that ferling by the gift of Thomas, father of his wife, and was in seisin by that gift for thirty years until Osbert unjustly and without judgment disseised him thereof. Osbert comes, and fully concedes the said feoffment by the father of Alice; but he says the truth is that Alice gave that land to one Andrew his brother, who held it for two years, and died seised thereof, and Osbert, after his brother's death, took possession of the land as his inheritance; and that he [Osbert] never made any disseisin thereof he puts himself upon the assize. The jurors come, and say upon their oath that after the gift and feoffment of the aforesaid Thomas, the said Alice his daughter never went out of that land, but remained there, and the said Andrew likewise with her; and when Andrew was thought to die, she caused his

(Introduction to Bracton's Note Book, p. 40) that Bracton so decided in this very case, holding that Roger was entitled to recover the hundred as well as the manor. The entry on memb. 3 seems to support this view, but on memb. 4 we have it stated "*Set quia nichil actum fuit coram ipso H. de quod Hundredo quod pertinere debuit ad predictam terram*," etc. However this may be, Bracton's book speaks of the decision as to the hundred on the further hearing as "*male actum est in contrarium*" to the principle he lays down in the treatise. Bracton gives Robert's name as "Shute.' I have adhered to the spelling in the record.

[1] That is, on Saturday before the 8th Sept., 1254. In the margin is "*Devoñ ap̃d pontē de Exĕ.*"

body to be carried from that house to another, and that she was always in seisin until Osbert disseised her thereof. Therefore it is considered that Alice should recover her seisin and damages, and Osbert is in mercy. If the crop should be untouched (*integrum*), damages, ½ mark ; if not, damages, 1 mark.

1494. The assize comes to recognise whether James Huse, father of Hubert Huse, was seised, etc. of two parts of two hides of land, with the appurtenances, in Hauton' on the day when, etc., and whether, etc., which land Henry Huse holds, who comes and says that he does not hold the land, but one Adam Mokesham holds it, and held it before the writ was sought, and thereon he puts himself upon the assize. Hubert comes, and says that in truth Adam holds the land as Henry's bailiff, to wit that Adam should answer to Henry for all issues and profits of the land, and that he [Adam] does not otherwise hold it he puts himself upon the assize. Henry comes, and fully concedes that James Huse, Hubert's father, was seised, etc., and that he died, etc., since the time, and that he claims nothing in the land except in custody and marriage of Hubert, who is under age, as he says ; and moreover he says that when he offered him [Hubert] the sister of his [Henry's] wife, that he should marry her and take her to wife, Hubert refused her, etc. Afterwards Hubert came and made fine with his lord for 12 marks for his marriage, and his lord took his homage, wherefore Hubert shall pay at the festival of St. Michael next following 40*s*., at the nativity of our Lord 40*s*., at Easter 40*s*., and at the festival of St. John the Baptist 40*s*. Unless he does this, he grants that the sheriff may raise the money from his lands and chattels, etc. And Henry is in mercy for his unjust detention.

1495. The assize comes to recognise whether John Abbot of Muchelnye unjustly and without judgment disseised Ralph de Horsy of his free tenement in Muchelnye, since the first, etc., and whereon it is complained that [the Abbot] disseised him of seven acres of land in one place, and of three acres and a half of meadow in another, and of one piece (*pecia*) of land containing half an acre, and whereof he says that he was in peaceful seisin by the gift and feoffment of William his eldest brother, until John and the others unjustly and without judgment disseised him. The Abbot comes and says that he never disseised [Ralph] of any land of which he was enfeoffed by William his eldest brother, and that this is true he puts himself upon the

assize. The jurors come and say upon their oath that the Abbot did not disseise him of any tenement. Therefore it is considered that the Abbot may go quit, and Ralph is in mercy for his false claim.

1496. The assize comes to recognise whether Stephen de Aston, John and Oliver his brothers, Richard Drenger, Nicholas Gangy, Robert atte Hegge, and Adam Akerman unjustly disseised John Sprot of his free tenement in Rachel, and whereon it is complained that they disseised him of fourteen acres of land, two acres and a half of meadow, with the appurtenances, one messuage, and one curtilage in the same [vill], and whereon he says that he, Stephen, and the others carried off the produce of crop and meadow unjustly and without judgment and against his will. Stephen and the others, except Richard Greyn (*sic*) come and say that they claim nothing in that tenement, nor have they made any disseisin thereof; but the aforesaid Richard says that in truth the tenement is the villeinage of the said John Sprot; nevertheless it is true, he says, that he discussed with John whether he [John] should grant to him and his wife the said tenement to hold freely for the whole term of his life for 4 marks of silver which the said Richard and his wife should give him by [their] hands, and that this is true he puts himself upon the assize. The jurors come and say upon their oath that John Drench held that tenement freely of the aforesaid John, paying therefor yearly 6*s*., and doing yearly seven services. After the death of which John, the said Richard came and married John's widow, and therefore it was discussed with the aforesaid John Sprot that he should grant to him [Richard] that tenement for the whole of his life by the same service as the said John did for the same, and for 4 marks of silver which he gave him by his hands, and wherefore they say that Richard did not disseise John of the said tenement. It is considered, therefore, that Richard should be quit, and that John should take nothing by the assize, but should be in mercy for his false claim.

At the foot of this membrane is a title legible only in part, which, so far as can be read, appears to be as follows:—

Forinsec assizes . . . . thirty-eighth, thirty-ninth, and fortieth years of King Henry . . . , taken before Henry de Bracton . . .

Memb. 5.

Assizes taken at Schipton' on Wednesday next after the festival of St. Bartholomew[1] the Apostle, before Henry de Bracton and his companions, to wit, Robert de Gurney, Adam de Aston, and others, in the thirty-eighth year of the reign of King Henry.

1497. The assize comes to recognise whether William Everard, Walter Serviens, John Tregoz, William Teri, Thomas Dercer, John Golde, Richard son of Imme,[2] Thomas Cote, Thomas Martin, Jordan the shepherd (*le Berker*), and William Sym' unjustly, etc. disseised Richard son of Stephen of Broen of his free tenement in Broen, since the first, etc., and whereon it is complained that they disseised him of one virgate of land, with the appurtenances, in the same vill, which he had by the gift of Stephen his father by charter, and of which he was in seisin by that gift and feoffment for three quarters of a year until William and the others unjustly and without judgment disseised him, and thereon he puts himself upon the assize. William and the others come, and say that whatever Richard says concerning the feoffment of Stephen his father, and the gift and homage taken, the same Stephen, after that gift, always remained in seisin and never changed his state, but died seised thereof without any seisin of Richard therein. And this appears fully, because he demised part of the tenement by way of champart,[3] and by his last will (*in ultima voluntate sua*) he bequeathed the growing crops which were then upon the tenement, and so died seised thereof, and they [the defendants] in the name of the lord of the fee took the tenement into the hand of their lord as an escheat until their lord should take his will thereof, and therefore it seems to them that if they are held to answer they say that without their lord, in whose name they did this, they ought not to answer[4]; and that he [Stephen] died seised thereof they put themselves upon the assize.

The said Richard son of Stephen says that whatever William Everard and the others say, Stephen his father did not die seised

[1] St. Bartholomew's Day, 24 Aug. 1254. See on Memb. 6.

[2] I give the name as it appears to be written. Perhaps he was son of Emma.

[3] "*Ad campi partem.*" This means that the lessee had to pay the lessor part of the crop. See Ducange, "*Campipars.*"

[4] This would appear to be the effect of a passage which has undergone some alteration.

thereof, as before he gave that land to him [Richard], for after the gift he straightway went out and took with him his household, to wit, a certain daughter whom he had, and was out of seisin for fifteen days; and afterwards, by a certain agreement which he made with Richard his son, that he [Richard] should find him in victual and clothing during his life, he came back into Richard's house, and Richard found him in necessaries while he lived. And Stephen did not afterwards in any way intermeddle ; but he, Richard, always in everything bore himself as lord. If any land was given to the part of the field, or anything else done which should be the act of the lord, Richard did it, and not Stephen. As to what they say about Richard having bequeathed crops by his last will, Richard says that [Stephen] did not do this otherwise than on his request and by Richard's special grace that Stephen thereby might provide for his poor relations by his will. Thereon he puts himself upon the assize. And because William says that he and the others did this in the name of their lord, and their lord is in parts beyond the seas so that it is not possible to approach him that he may state whether he would wish to avow their act or not, nor can he first be a party to the judgment before he has avowed their deed as just or unjust, nor ought anything to be acquired for him unjustly by them, (*nc pius ps esse potit in iudicõ añ qa fm suoz aduocauit iotū ut iniotū nc t ei aliqid adqri īiote p suos*) it is considered that the assize should proceed in such manner that if the jury should decide (*si jurata faciat*) for William Everard and the others, their lord, by their act, should remain in seisin ; but if when he should avow their deed and they by the jury should lose the seisin, then as he first begins to be a party by this that he has avowed their deed, he shall have conviction (*habeat conviccionem*) if he pleases, and by this he shall gain or lose as the twelve jurors shall decide.

The jurors say upon their oath that Stephen enfeoffed Richard his son of the said land by his charter, and put him in seisin, and went out of the tenement, and took with him such family as he had, to wit, his daughter, and left no one in seisin in his name, and Richard his son remained in seisin, and in all things acted as lord. Afterwards Stephen stayed out of that tenement for nearly fifteen days, and then returned to his son that he [the son] of his grace should find [Stephen] in food and clothing during his life, and thus he was harboured, being old

and impotent and not able to see. And the jurors, asked in what way Richard treated the seisin, [whether] for himself as lord, without his father, or for the father as lord without the son, or for both together in common (so that they should till the land and spend the fruits, the father as to one part, and the son as to the other, *struck out*), say upon their oath that Stephen never intermeddled or had any mastery or order, but that Richard by and in all things bore himself as lord. Questioned if Stephen set over any part of the land to the part of the field, they say no. Asked if Stephen bequeathed the crops of the tenement by his last will as lord, they say no, unless by the special grace of Richard[1] his son, so that he might provide for his poor relatives. Therefore it is considered that Richard should recover his seisin, and William Everard and the others are in mercy, saving nevertheless to their lord to recover when he shall return if he should desire to sue.

1498. Robert de Punchardun, who brought an assize of novel disseisin against Reginald de Moun and others in the writ [named], concerning a tenement in Cudecum,[2] does not prosecute. Therefore he and his pledges to prosecute, namely John le Tryl and Nicholas the Serjeant (*le seriant*) of the county of Devon, are in mercy. It is testified that they had summons to prosecute the writ after attachment[3] (*et testatū est qđ ħuerẽt sum̃ de ꝑs̃ ẗre suū p°t attachiamtū*).

1499. Herbert the fisherman, who brought an assize of novel disseisin concerning common of pasture in Aucleye against Philip son of Geoffry and others in the writ [named], came and withdrew from his writ. Therefore he and his pledges to prosecute, namely John the carter and William the fisherman, are in mercy.

1500. Robert Bozun, who brought an assize of novel disseisin against Stephen le Teinturer and others in the writ [named], concerning a tenement in Brugewater, came and withdrew. Therefore he and his pledges to prosecute, namely Ralph de Treberge and Thomas de Hoo, are in mercy.

Memb. 5*d.*

1501. The assize comes to recognise whether the Prior de Monteacuto, Stephen the serjeant, and Robert Dulling unjustly

[1] The roll has "Stephen" here, an obvious mistake.
[2] Cutcombe.
[3] In the margin is a note "damages, ½ mark."

etc. disseised Richard de Boloyne, Andrew de Esse, William Giffard, John Crude, and Adam Pain of their common of pasture in Tintenhull, Wynchecumbe, and Esse, which is appurtenant to their free tenements, and whereon Richard complains that the Prior and the others disseised him of common for all his beasts; and Andrew, William, John, and Adam complain that the Prior and the others disseised them of their common of pasture for all their beasts except sheep. Afterwards Andrew, William, John, and Adam come and say that they do not complain in respect of any common of pasture in the said two vills, to wit, in Wynchecumbe and Esse, but in Tintenhulle. Therefore let the Prior answer as to the common in Tintenhull. The Prior comes, and says that neither he, Richard, nor his ancestors had any common there except at the will of the Prior, and for a fine which they made with him, more or less as he willed. Thereon he puts himself upon the assize. Andrew and the others come, and say that they were always wont to have common there and the Prior with them, and not for any fine to be made for the common more or less, at the will of the Prior; but they say that the fine was for a right of way and not for common, and thereon they put themselves upon the assize. The jurors come and say that the said vills of Wynchecumbe and Esse were never accustomed to have common with the said vill of Tintenhull, except at the will of the Prior, and for a fine which they might make with him, more or less, at his will. Therefore it is considered that the Prior be quit, and that Andrew and others should take nothing by that assize, but should be in mercy for their false claim.

1502. The assize comes to recognise whether Ansell de Gornay, Thomas le Waleys, and Thomas le Chanu unjustly, etc. disseised Roger de Beanton, David de Welinton, and John le Moine of their common of pasture in Ferenton' which appertains to their free tenements in Peanton, since the first, etc., and whereon they complain and say that they and their ancestors were always accustomed to have common for all their beasts in Ferenton during opentime, except in a certain close called la Haie, where they claim no common, and for this reason: that the said Ansell and his ancestors were always wont to common on their [the plaintiffs] lands in Peanton', and they put themselves on the assize. Ansell and the others come and say that [the plaintiffs] ought not to have common on his lands in Ferenton,

and that they never have had common except upon fine made with him, giving sometimes more, sometimes less, at his will, and thereon he puts himself upon the assize. The jurors come and say that the said Roger and his ancestors and the others aforesaid always had common in Ferenton' as is aforesaid, and not at the will of Ansell, giving more or less, but that every of them always had common with the other. Therefore it is considered that Roger and the others should recover their seisin, and Ansell and the others are in mercy.[1]

1503. The assize comes to recognise whether [2] was seised in his demesne, etc., of one knight's fee, with the appurtenances, in Asse on the day, etc., and whether, etc., which land Walter de Faucunberge holds, who comes and confesses that the aforesaid died seised thereof, and that the aforesaid is his next heir, but he says that the said is not of full age, and thereon he puts himself upon the assize. The aforesaid says that he is of full age, and thereon he puts himself upon the assize. The jurors say that he is of full age, to wit twenty and one years. Upon this comes the said Walter by his attorney, and says that the said withdrew himself from his [Walter's] custody and married without leave of Walter to whom the marriage belonged, and he seeks judgment whether he [Walter] ought to have seisin of the said tenement until he should satisfy to himself the value of the marriage, which he estimates at 100*l.* And the said could not contradict this, and forthwith satisfied to Walter the value of the marriage [payable] at times fixed between them, and recovered his seisin of the said land.

Memb. 6.

Assizes taken at Marleberg' on the day of St. Barnabas the apostle,[3] before H. de Bracton and his companions, to wit, Alexander de Cheverel and John de Kelling in the thirty-eighth year of the reign of Henry, son of King John.

(Assizes taken at Schepton) on Wednesday next after the

[1] In the margin, damages ½ mark. "c.c." which may mean *clericus cepit*, or, it may be, as I think, "c.t," *clerici totius*, meaning that the amount was paid to the clerk for the party. In a later roll, No. 1204, occurs "*dampna* 1*m. clericis*" memb. 2. In roll No. 1209, we find "*dampna* 2*s. c. tot.*", memb. 10*d.*

[2] The blanks in this entry are so left in the original.

[3] The 11th June, 1254.

festival of St. Bartholomew the apostle,[1] before H. de Bracton (and his companions, to wit, Robert) de Gornay, Adam de Aston, in the thirty-eighth year of the reign of the King.

Memb. 7.

1504. Walter de Faucunberge, who brought an assize of novel disseisin against the Prior de Monte Acuto and others in the writ [named], concerning his common of pasture in Tytenhull, Wynchecumbe, and Esse, does not proceed. Therefore he and his pledges are in mercy, namely Gerard de Esse and Walter Scherpe.

1505. The assize comes to recognise whether Christina daughter of John, the mother of Anastasia, daughter of Simon, was seised, etc. of one messuage and ten acres of land, with the appurtenances, in Boclande, on the day, etc., and whether, etc., which land and which messuage Richard Beaufiz holds. Afterwards they are agreed by licence, and the agreement is such that the said Anastasia gives up all right and claim, and the said Richard Beaufiz gives her ½ mark, which he is to pay her at the festival of St. Michael next.

1506. The assize comes to recognise whether Godfrey de Auno, John le Messer, Philip le Messer, Robert Batte, Robert Gele, Robert Tutling, William Wylecok, William Gravelin', Hamo Stok, Edith formerly the wife of Gilbert Young (*juvenes*), Roger son of Gilbert, and Robert Le Hyne unjustly, etc. disseised Gilbert son of Geoffry of his free tenement in Cumton Daunon, since the first, etc., and whereon he complains that they disseised him of one acre of land, with the appurtenances, etc., and Godfrey Dauno and the others come and say nothing against the assize [or] why the assize should remain. The jurors come and say that the said Godfrey and the others in the writ [named] did disseise him as the writ says. Therefore it is considered that Gilbert, should recover his seisin, and Godfrey and the others are in mercy.[2]

[1] St. Bartholomew's day was the 24th August 1254. This title appears at the oot of memb. 6, where it is sewn to the top of memb. 7. It formerly applied to something written below it, cut off, all but one line, before the stitching was done. The parts within brackets are struck out, and possibly it may have been intended that the whole should be similarly treated; if not, it would seem that the partially-erased title was meant to apply to the entries on memb. 7. See title to memb. 5.

[2] In the margin—Damages, 4*s*.

Memb. 6d.

1507. The assize comes to recognise whether Avice, formerly the wife of Robert de Berton', and Robert his brother unjustly, etc. disseised Adam de la Hale and Wymarca his wife of their free tenement in La Leythe, since the first, etc., and whereon they complain that [the defendants] disseised them of one ferling of land, with the appurtenances. Avice comes, and says that she did not disseise them unjustly, because the said Adam of his free will gave up the land to her, and thereon she puts herself upon the assize. The jurors say upon their oath that one Robert the Frenchman (*le Franceis*) gave the said tenement to one Robert de Berton in frank marriage with the said Avice his daughter, and afterwards the said Adam came and so importuned (*et in tantum locutus fuit cum*) Robert de Berton that Robert demised by a certain chirograph, which Avice proffers and which testifies this, the whole of that tenement to the said Adam and Wymarca his wife to farm, to have, to Adam and Wymarca for the whole life of Robert de Berton', and when Robert was about to die he enjoined his executors that they should pay Adam and Wymarca $2\frac{1}{2}$ marks, and they did this. After the death of Robert, Adam and Wymarca of their free will gave up to Avice the whole of the said tenement as her marriage portion, and afterwards Adam came and discussed with Avice and made fine with her for 20*s.* for that he might hold that tenement for one year until he should better provide [for himself]. When he should have paid her 20*s.* he offered her 2*s.*, and she refused them; and because he did not hold to his bargain she took the tenement into her hand, wherefore the jurors say that she did not disseise them unjustly. Therefore Avice is quit, and Adam takes nothing by that assize, but is in mercy for his false claim.

1508. The assize comes to recognise whether Thomas de Lazur unjustly, etc. disseised Luke le Blund of his free tenement in Laurton', since the first, etc., and whereon it is complained that he disseised him of ten acres of land, with the appurtenances, in the same, etc. Thomas comes, and says that he did not disseise him of any tenement, for Luke was enfeoffed by a certain woman whom he afterwards married, whose inheritance that land was, so that they both were in seisin of the tenement and together tilled the land, and that he [Luke] had no seisin of himself with-

out his wife, and he [Thomas] put himself upon the assize. Luke comes and says that it is true that he was enfeoffed of that land by his wife, and that after the feoffment he was in peaceful seisin for a long time before he married his wife until Thomas disseised him; and that this is true he puts himself upon the assize. The jurors say that Luke was in peaceful seisin for half a year or more, so that he tilled the land with his own plough, and took the profits without any cost contributed by the woman. Therefore it is considered that Luke should recover his seisin, and Thomas is in mercy.[1]

Memb. 7d.

1509. The assize comes to recognise whether Robert de Weston' unjustly, etc. disseised Thomas de Weston of his common of pasture in Weston appertaining to his free tenement in the same [vill], and whereon it is complained that he disseised him of half his common of pasture in la Niwelese and of common of pasture in la Berkerie, which contains about 25 acres, and he was always wont to have common there just as in his own adjacent pasture for all manner of beasts on every day in the year until the said Robert disseised him, and thereon he puts himself upon the assize. Robert comes, and says that he has not disseised [Thomas] of any common of pasture, because he can and ought not to have common there except at open time and after the crop is carried off, and he puts himself on the assize as to this. The jurors come and say that Robert de Weston did disseise the said Thomas of the common of pasture as the writ says. Therefore it is considered that Thomas should recover his seisin, and Robert is in mercy.

1510. The assize comes to recognise whether Henry de Champflur' and William Brangling unjustly, etc. disseised John de Hanleye of his free tenement in Stane, since the first, etc., and whereon he complains that they disseised him of one ferling of land and 3*s.* of rent, with the appurtenances, in the same [vill]. He says that a certain villein of the Abbot of Glaston', namely Walter Spragel, held that tenement in hand and thereof enfeoffed him, John, so that by the gift and feoffment he was in seisin for three weeks until the aforesaid [defendants] disseised him. And William Spraling (*sic*) and the bailiff of Henry de Champflur'

[1] Damages, 1 mark—in the margin.

come and say that the assize ought not to be made, and that [John] could not be disseised because he never was in seisin, either before the time of the writ or after, and on this he [William] puts himself upon the assize. As to the 3*s.* of rent, they say that [John] never was seised thereof otherwise than by an intrusion which he made into a certain house for one day, and took 12*d.* (*nⁱ ꝑ qᵃndam intᵘsionē qᵃm ꝺēc ⁊ qᵃdā domo ꝑ unū diem ⁊ cēp xij den*), and that this is true he puts himself upon the assize. The jurors come and say that the aforesaid have not disseised the said John, either of the land or of the rent, because he never was seised thereof. Therefore it is considered that William and Henry are quit, and that John should take nothing by that assize, and should be in mercy for his false claim.

1511. John de Holte comes, and proffers a charter of our lord the King which aquits him of juries, assizes, and recognitions for the whole term of his life.

Memb. 8*d.*

Assizes taken apud Pontem de Wm̃blegh on Tuesday next after the festival of the Annunciation of the Blessed Mary,[1] before H. de Bracton and his companions, to wit, William de Punchardun and William son of Warin, and others, in the thirty-ninth year of our King.

Memb. 10.

Assizes taken at Schipton' on the morrow of the Decollation of St. John the Baptist,[2] before Henry de Bracton and his companions, to wit, Robert de Brues, Thomas Tryvet, Bartholomew de Emlebirrs and others, in the thirty . . th year of the reign of King Henry, son of King John.

1512. The assize comes to recognise whether Thomas Suein and Isabella his wife unjustly, etc. disseised William Sley of his free tenement in Bath, since the first, etc., and whereon it is complained that they disseised him of a certain shop (*solda*) which contains thirty-two feet in length and sixteen feet in breadth, and

[1] Tuesday after the 25th March, 1255. This membrane contains assizes of the county of Devon.

[2] That is, the 30th August. The year is not certain. The edge of the membrane is lost, and with it the end of the figure.

whereof he says he was in good seisin by the gift of the Prior of Bath until they unjustly and without judgment disseised him.[1]

1513. Let the assize of mort d'ancestor which Elena de Bacwell and Alice her sister arraigned against Joan Beneyt and Thomas her son concerning a tenement in Bacwell remain without a day because Joan, who held the said tenement in common with the said Thomas, has died. It is said that they [the plaintiffs] may sue him, if they wish, by another writ.

1514. The assize comes to recognise whether Master Hubert son of Walter unjustly, etc. disseised Matilda, formerly the wife of Elias de Burton', of her free tenement in Baggesworse, since the first, etc., whereon she complains that he disseised her of one hide of land, with the appurtenances, in the same vill, whereof she says she was seised as of her inheritance, and she delivered the land to one Walter, Hubert's brother, to farm, and after his term she put herself in seisin of the said land and held it for eight days, well and in peace, until Hubert disseised her unjustly and without judgment. Master Hubert does not come, but his bailiff comes, and says that it is true that Matilda delivered the land to Walter to farm as is aforesaid, and when Matilda wished to marry she of her own good will gave the land to the said Master Walter that he might marry her, and Walter gave the land to the said Hubert his son, who held it for eight years After the death of her husband she entered upon the land and held it for eight days, as is aforesaid, until the said Hubert disseised her unjustly and without judgment.[2] The jurors come and say upon their oath that Hubert did disseise Matilda as the writ says, and moreover they say that they do not know of any feoffment made to the said Walter or the said Hubert. Therefore it is considered that Matilda should recover her seisin and damages,[3] and the said Master Hubert is in mercy.

Memb. 9.[4]

Afterwards Master Hubert came and said that Walter was enfeoffed of the said land by Matilda, and he produced Matilda's

[1] In the margin—"at their next coming to Bath."

[2] The words "unjustly and without judgment" must surely be a clerical error in Hubert's plea.

[3] According to the marginal note they were assessed at 12½ marks.

[4] Memb. 9 is a strip of parchment attached to the face of memb. 10. It contains the result of the rehearing in the above case, and it may conveniently be interpolated here. As to the process of certification, see note to No. 1356.

charter of feoffment. He said also that Walter enfeoffed him by his charter, which he proffers and which testifies this. So the sheriff was ordered that he should cause the jurors to come to certify to the justices concerning the oath which they took upon certain articles touching that assize. They come, and say that on the taking of that assize they were uncertain, for no charter of feoffment was produced on the part of Master Hubert, and they believed that there was no feoffment or demise for a term. They pray that they may be allowed to amend their verdict, and put themselves upon the mercy of our lord the King for their transgression, and make fine for £20 for that transgression. They say that Matilda, after she had demised her land to the said Walter for a term of years, enfeoffed Walter by her charter, and Walter [enfeoffed] the said Master Hubert as the same Master Hubert says; that Matilda entered, and Master Hubert straightway ejected her. Therefore he did not disseise her unjustly, for she had no seisin otherwise than by intrusion. Therefore let Master Hubert have his seisin again, and Matilda is in mercy for her false claim. Let her be delivered to prison for deceiving the court. And because Matilda would not come to hear the certification, let the tenement be held in the hand of our lord the King, and let the sheriff have her body at Tanton' on Sunday next after the Epiphany to hear her judgment.

Memb. 10—*continued.*

1515. Let the assize of novel disseisin which John de Cratelegh' arraigned against Richard Luvel and William le Messer concerning his common of pasture in Hunewyk remain without a day, because the said Richard has died.

1516. The assize comes to recognise whether William de Monte Acuto, Walter de Tundreslegh', and Laurence Dow unjustly, etc. disseised Andrew Wak' of his free tenement in Gothull, since the first, etc., and whereon it is complained that William and the others disseised him of two carucates of land and one messuage, with the appurtenances. He says that when one William de Paris formerly would have enfeoffed him thereof, because of an objection which William de Monte Acuto offered to the feoffment, it was agreed that the said William de Paris, who previously held that tenement of the said William de Monte Acuto in chief, should release to William de Monte Acuto his

homage, and that William de Monte Acuto should enfeoff the said Andrew, and William took Andrew's homage and put him in seisin by his bailiff; so that after the taking of the homage Andrew was in seisin for seven weeks, until the said William and the others previously named unjustly and without judgment disseised him, and thereon he puts himself upon the assize. William de Monte Acuto comes, and says that he did him [Andrew] no injury nor unjustly disseised him, because when he should have taken Andrew's homage he was informed that Andrew held a tenement of our lord the King in chief, so that the custody of all Andrew's lands, when he should die, if his heirs should be under age, ought to be in the hand of our lord the King wherever he should hold, and because he [William] would thus lose the custody of the said land, he was unwilling to receive Andrew's homage unless Andrew would grant to him that if by Pentecost after the taking of the homage he [William] should find out that he [Andrew] held anything in any manner of our lord the King, then straightway he [William] should put himself upon the said land without impediment or contradiction of Andrew, which agreement Andrew admitted and conceded before many. And when he, William, found out that he [Andrew] held certain land of our lord the King in chief in Tangele in the county of Southampton, he, according to the said agreement, put himself upon the land, and thus he made no unjust disseisin, and that he thus made an agreement he puts himself upon the jury (*super juratam*) and upon those who were there when the homage was taken as the court of our lord the King shall consider. Andrew says, as before, that William took his homage for the said land, and put him in seisin by his bailiff without any absolute condition, and that he was in seisin for seven weeks until William and the others unjustly disseised him thereof, and thereon he puts himself upon the assize, whatever William says of any agreement. If any agreement was made on the part of William, he [Andrew] never consented to any, and he is not bound by any agreement. William says that the agreement was such as is aforesaid, and by such agreement and in no other manner he put himself in seisin. He offers our lord the King 20*s.* that the truth may be inquired into. And because William does not deny the taking of Andrew's homage or his seisin as Andrew says, but alleges that he [William] put himself in seisin by the said agreement, which Andrew in every

way denies, it is considered that the truth should be ascertained by the jurors of the aforesaid assize, and by those who were present when the homage was taken, and who have no concern in the matter (*qui nullam partem aliqua affinitate attingant*) in the manner of a jury, whether William took Andrew's homage without any condition or whether by agreement, and put him in seisin, and so that he was in seisin for seven weeks until William unjustly and without judgment disseised him as Andrew says, or whether Andrew, before William took his homage, made the said agreement with him by which he [William] put himself in seisin, and to which Andrew consented, as William says. (*Lower down on the same memb. is the beginning of an entry of the Dulverton case, which is struck out, with the words "quia alibi" in the margin: then the above case is taken up again.*) A day is given to the parties before our lord the King in three weeks after Michaelmas to hear the will of our lord the King, and whether he desires that the assize should proceed in the county, and that judgment should be given when nothing in the said record should be obscure, for William proffered a writ of our lord the King that judgment should be put in respite without any reason given after taking the assize. A day is given them before the justices at Westminster in three weeks after Michaelmas.[1]

1517. Mathew de Cholre against Robert Pachet on a plea of assize of mort d'ancestor, by Robert de Havering. On the next coming of the justices . . . [unless?] H. de Bracton [shall] previously [come] into [those] parts, etc.[2] And Robert puts in his place Robert de Woburi.

1518. Alvred de Nichol' against William de Corf on a plea of assize of mort d'ancestor, by Walter de Fukeputte . . . Jordan de Norton' against the same by John de Cameleg'.

Memb. 10*d.*

Assizes taken at Exebrug' on Saturday next after the Epiphany of our Lord, before Henry de Bracton and his companions, to wit, William de Wydeworth' and others, in the fortieth year of King Henry.

1519. Mary de Curtenay puts in her place Adam de Legh'

[1] *alibi* in the margin.
[2] The roll is not clear: I am not sure of this.

or William de Beleston' against Matilda, formerly the wife of Walter de Ely, on a plea of dower.

1520. Amabel, formerly the wife of Henry de Champflurs, puts in her place Martin the Scott (*le Scot*) or Richard al Curtnes against Hilaria de Champflurs and others in the writ [named] on a plea of dower.

Memb. 11*d.*

Assizes taken before H. de Bractone and his companions, justices assigned in divers counties, in the thirty-eighth, fortieth, and forty-first years of the reign of King Henry, son of King John. Also essoins and amercements before the council of our lord the King for the thirty-eighth year.[1]

Memb. 12.

Assizes taken at Bristoll' on the morrow of the Decollation of St. John the Baptist, before H. de Bracton and his companions, to wit, the Abbot of St. Augustine of Bristoll', Alexander de Monte Forti, and others, in the thirty-eighth year of the reign of King Henry.[2]

Memb 13.

Assizes taken at Toriton' on Monday next after the festival of St. Egidius the Abbot,[3] before H. de Bracton and his companions, to wit, William de Punchardun and others, in the fortieth year of King Henry.

1521. Inquest held before H. de Bracton at Aswik' in the county of Somerset, on Monday next after the festival of St. Michael, in the fortieth and beginning of the forty-first years of King Henry, son of King John.

Henry de Bracton was ordered that, by the oath of trustworthy and lawful men, as well knights as others, by whom the truth of the matter might be the better made known, he should diligently inquire by what metes and bounds the House of Wytteham[4] of the Carthusian Order was founded by the gift of

[1] Memb. 11 is a little strip of parchment sewn to the end of memb. 10. There is nothing on its face. It is the label to the roll.

[2] Memb. 12 and its *dorso* relate to Gloucester and Devon.

[3] St. Egidius's day, the 1st September. This title comes lower down on the roll, after the proceedings on the inquest with the marginal note "Devon."

[4] Witham.

Henry the King, grandfather of our lord King, and whether the same lord Henry the King the grandfather made satisfaction to all those who, at the time of the said foundation had common within the said metes for their common, and how and by whom, and at what time the Abbess of Shaftesbur' and others having common within the same metes had that common. The inquest comes by the underwritten, to wit, John de Auure, who swore, saving the liberty which our lord the King granted to him, that he should not be on juries or assizes, on account of reverence to our lord the King, for that the inquest affected him our lord the King, and by William de Toriny, Elias de la Mare, Alan de Wauton', knights, William de Radene, John le Rinis, John de Upton, Robert de Waspre, Henry Deverel, Roger Lovel, Adam le Harpur, Thomas de Bonham, John Burnel, William le Butiler, William de Kever, John Burgan, Henry de Monte Forti, and William Portebref, free men of the vicinity, who say upon their oath that our lord Henry the King, grandfather of our lord King, founded the house of Wytteham of the Carthusian Order, [and] gave to it that place of Wytteham, with the appurtenances, by the same metes and bounds, from place to place as are contained in the charter of our lord King Henry the grandfather granted to the Prior and brethren under the said gift, and that the Prior produced before them the same charter, which was read and heard before the said recognitors. They say that when Gilbert de Segrave, at one time justice of the forest, by order of our lord the King caused a perambulation to be made between the land of the Prior and the forest of our lord the King, it was made according to the same metes and bounds as are contained in the said charter. They say also upon their oath that when the said King Henry the grandfather, the founder of the house of Wytteham, gave the place to the Prior and brethren, he satisfied all who had any right within the said metes, whether in tenement or of common, by exchange or in some other manner, for he made proclamation through the counties of Somerset, Dorset, and Wilton, in the market places and elsewhere, that all those who might or wished to claim any right within the said metes and bounds, whether in tenement or of common, should come within two years and a half from the time of the founding of the house, and should show their right and accept an exchange, otherwise they would not be heard. They say that the ancestors of the said John de Auure, who had lands within the aforesaid

bounds, and many others, came within the time and received a competent exchange for their lands which they had there, so that the Prior and brethren, according to the requirement of their Order, might possess that place in peace and tranquillity, and so that no one should interfere with them. They say that no one could claim any right within the aforesaid metes and bounds, either in tenement or of common, but that the Prior and brothers might enclose the place within the said metes by ditch and hedge without doing injury to anyone, if this should please our lord the King. Touching what is said as to how and by whom and at what time the Abbess of Scheftebyr and the others having common within the said metes had that common, they say upon their oath that no one could have common ther either of herbage or mast (*pessone*), except through the Prior and brothers and of their grace, and for a fine which they should make with them, sometimes more, sometimes less, at the will of the Prior and brethren. Neither the Abbess nor her men of Culmeton' nor anyone who had land in other neighbouring vills, to wit, in Bradelegh', Emefeud, and in Norton, could claim any common within the said boundaries, except by the grace and will of the Prior and fraternity, and in the manner aforesaid. There are many on the said inquest who have seen, as they say, that when the Prior and brothers caused certain pigs of the Abbess, found in his woods at the mast time, to be impounded, the Abbess could not have them quit until she made fine with the Prior and brethren. Thus one Master Robert de la Forde, then steward of the Abbess, made fine in the name of the Abbess with the Prior and brothers before he could have his pigs quit, and he brought with his own hand the money in a certain glove (*cyrotecha*) and paid it in the court of the Prior to the said Prior. Wherefore they say that no one can claim common there, either of herbage or mast, except at the will of the said Prior and brethren. (*The entry stops here, but in a different hand is written* Look for what is wanting above on the same roll by such a sign. *The "sign" is a neatly drawn little picture of a hawk. We find it again on memb.* 14*d*, *which is taken next, out of its place, to preserve the continuity of the story.*)

Memb. 14*d.*

Assizes taken at Chauneleygh on Sunday next before the festival of St. Michael, before H. de Bracton and his companions, to wit, Walter Giffard, Geoffry de Pridias, and John de Amari, and others, in the thirty-eighth year of King Henry, son of King John.

The inquest taken by order of our lord the King by what metes our lord Henry the King gave to the Prior and brethren of the Order of Carthusians, the place of Netham (*sic*) is above in this roll. And because the Abbess of St. Edward said that she had common of pasture within the metes in the said inquest contained, let the Abbess be summoned that she be before our lord the King to answer him by what right she exacts common in the lands and woods of the Prior and brethren of Wytham, of the Carthusian Order in Wytham, which the Prior and brothers hold of the gift of Henry the King, grandfather of our lord the King, by his charter, and which lands and woods, with the appurtenances, our lord the King and his heirs are held to warrant, acquit, and defend to the Prior and brethren and their successors, by himself and by his hand against all people, as their demesne in free alms for their peace and tranquillity while they, by the statutes and requirements of their Order, may not sue, etc. And the Abbess comes.

Memb. 3*d*—*continued*.[1]

The Abbess of St. Edward was summoned, etc., and the Abbess comes and says that her men of such and such a vill have always had common there . . . Our lord the King gave that place to the Prior and brethren of the Charterhouse by the aforesaid boundaries . . . he gave a certain part in demesne to be enclosed at their will and a certain part to have for pasture where tenements had no pasture and where her men always, before the gift of the King and after, took common. When the Abbess was asked by what right she exacted common there, notwithstanding that she had [no]

[1] On the back of the rider or strip of parchment numbered 3, above referred to, in addition to the Dulverton entry, is more of the case of the Prior and the Abbess which may conveniently be taken in here.

possession, she says for this right: that the Prior and brethren had common on the lands of the Abbess in such and such a vill, and so one with the other. To this it is answered on the part of our lord the King that the tenement granted by our lord the King to the Prior and brethren, in which the pasture is, is demesne of our lord the King, and his own forest and demesne, and in which no one may appropriate (*vendicare*) or have common except by the grace of our lord the King, [no one] has parcenary or neighbour, nor can it be between them, as between neighbours, where each may have . . . [common?] with the other, and in the demesne of our lord the King no one has common except by the grace of our lord the King, which grace our lord the King may revoke if he will, and may do what he will in the matter.

Memb. 13*d.*

Assizes taken at Periton on Saturday next before the nativity of the Blessed Mary, before H. de Bracton and his companions, to wit, Henry de Erlegh', Richard de Langport, the Prior of St. Peter of Tanton', and others, in the thirty-ninth year of King Henry, son of King John.

1522. The assize comes to recognise whether William Cosyn, Roger Cole, and Hugh le Priur unjustly, etc. disseised Robert Fychet of his free tenement in la Forde, since the first, etc., and whereon it is complained that they disseised him of seventeen acres and a half of land, with the appurtenances, in the same [vill], and of which he says that he was seised for fifteen years by the gift of Hugh Fychet his father, and that he held the same fully and in peace until the said William Cosyn and the others unjustly and without judgment disseised him. William does not come, but his bailiff comes and says that in truth Robert never had peaceful seisin of the said land by the said gift of his father unless by sufferance[1] (*per eskekkum*), nor did

[1] The meaning of this word is very obscure. In Ducange, Glossary, it is given as inquest, or jury, but the illustration there given does not support this rendering. It may be a corrupt form of *escapium*. For example, my beasts merely escape on to your land; that will not put me in seisin. So if I take heather only when your bailiff is not looking, I do this merely by way of "escape." Perhaps the word "sufferance" would not be wrong here, and I think that it would not be out of place in the passage from Mat. Paris (see vol. iv, p. 50) cited in Ducange.

he ever take from the same any crop except of heath, *galnetam*[1] and the like, and thereon he puts himself upon the assize. The jurors say upon their oath that Robert Fychet was enfeoffed of the said land for seven years last past by the gift of the said Hugh his father, and when he, Robert, would till his land, the said William and the others came and took his plough. So they disseised him unjustly and without judgment. Therefore it is considered that Robert should recover his seisin, and William and the others are in mercy.[2]

1523. The assize comes to recognise whether Richard de Furneus and Guy de Tanton' unjustly, etc. disseised John de Dokkel and Clarice his wife of their free tenement in Lekkesworthy, since the first, etc., and whereon it is complained that they disseised them of twelve acres of land, with the appurtenances, in the same [vill]. They say that the said Richard, son and heir of the said Clarice, gave her the land to hold for her life, and which land she held fully and in peace by the said gift for seven years until the said Richard and the others unjustly and without judgment disseised them. Richard does not come, but Guy comes, and says that in truth the said Richard de Furneaus enfeoffed the said Clarice his mother of the said land as is aforesaid, and afterwards went into Ireland and there married a certain woman. Afterwards, with his wife, his sons and his household, he came to England, to wit, to the house of his said mother, and sought hospitality as guests, and remained in the same for four weeks. When Clarice his mother saw that she was overburdened by such a household, and fully perceived that two parts of the said land were not sufficient for their support, she asked that Richard her son would give her two acres of land to hold for the term of her life, together with one-third part which she held as her dower. For such she would give up to him the said two parts for the support of himself and his household, except the two acres, which two parts she thereupon gave up to her son Richard of her own free will, and he was in seisin thereof for a long time, and afterwards came and sold the said land to the said Guy; and that they have made no dis-

[1] I am not clear as to the precise meaning of this word. Perhaps it means a rushy growth: see *guletum* from *gulia*, a rush; Migne, Lexicon. Or perhaps it may mean broom. Or, again, perhaps it is equivalent to *jampnum*, furze.

[2] In the margin there is a note—damages 2*s*. – concluding with "*c. t.*" For the significance of these letters, see note to No. 1502.

seisin, except as is aforesaid, they put themselves upon the assize. The jurors say upon their oath that Clarice gave up to Richard her son of her free will the said two parts of land as is aforesaid, so that he should grant, to her fully one-third part of the same land to hold by the name of dower, and the said two acres. Wherefore they say that Richard and Guy did not disseise them unjustly of any free tenement. Therefore it is considered that Richard and Guy be quit, and John and Clarice are in mercy. They are paupers, and are pardoned by our lord the King.

1524. Master Hubert puts in his place Oliver de Dyneham or Walter de Kynneye against Matilda, formerly the wife of Elias de Burton'.

ROLL No. 778. (HAMPSHIRE.)

The date of this roll is A.D. 1255–6.

Memb. 1.

Pleas of juries and assizes at Winchester in the county of Southampton on the morrow of St. Hilary, before Gilbert de Preston and his companions, justices itinerant, in the fortieth year of the reign of King Henry, son of King John.

Memb. 30.

Roll of attorneys at Winchester.

1525. Robert Cherm puts in his place Adam de Wedmor' against the master of the Hospital of St. Mary Magdalene in Heleweyweye on a plea of lands, etc.

Memb. 32.

Essoins *de malo lecti* taken at Winchester on the morrow of St. Hilary, in the fortieth year of the reign of King Henry, son of King John.

Essoins *de malo veniendi* taken there at the same time.

1526. R., Earl of Gloucester (*this name is struck out, and over is written* Quentin the clerk, attorney) against Joan, formerly

the wife of Nicholas de Hamleg' on a plea of dower by Thomas the serjeant on —— (*after this is written*) No day yet because on the octave of St. Hilary.[1] Richard de Hadlow, the other attorney, against the same by Thomas Beaufiz.

Memb. 32*d.*

Essoins *de malo veniendi* taken at the same place on the octave of St. Hilary.

1527. Quintin the clerk, attorney of R., Earl of Gloucester, against Joan, formerly the wife of Nicholas de Hanlee, on a plea of dower, by Michael de Burnevill. On the quindene of Easter at Wylton', by pledge of John de Rammes'. Richard de Haulo, the other attorney on the same, by John Peche by the same pledge. The same day is given to Walter de Burges, whom the Earl vouched to warranty, by his attorney, *in banco*. Let Walter de Burges, whom the said Earl vouched to warranty, be required to present himself.

Memb. 33.

Essoins *de malo veniendi* taken at Winchester on the morrow of the Purification of the Blessed Mary.

1528. William de Cuvert[2] for himself and Mary, in whose place, etc., against Alice, formerly the wife of Richard Luvel, on a plea of waste, by John Dod. In one month after Easter at Wilton'. He has pledged his faith. The same day is given to Robert Haket and Alice his wife, parties (*participibus*), with William and Mary, by Alice's attorney *in banco*. And be it known that the aforesaid (*sic*) Peter de Gatesden and Cecily, Ralph de Sancto Audoeno and Godelech' his wife, the other parties with William and Mary, do not sue, etc., and they were summoned. And Alice does not come as appears by the pleas.[3] Let Peter de Gatesden' and Cecily his wife, Ralph de Sancto Audoeno and Godelech' his wife, Robert Haket and Alice his wife, parties, be required to present themselves.[4]

[1] I think that the whole of this entry is probably intended to be struck out. See below No. 1527 on the octave of Hilary.

[2] Over this name is written "*quer̃.*"

[3] In the margin here is "*exr*" i.e. *exigatur*.

[4] That is, "*exr*" in the margin.

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